

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

ATS TRANS, LLC

in the amount of \$1,000

DOCKET TE-160681

ORDER 01

ORDER GRANTING MITIGATION

BACKGROUND

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by Monday, May 2, 2016, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day's continuance is a separate violation. RCW 80.04.405.
- 2 ATS Trans, LLC (ATS or Company) filed an incomplete annual report on May 2, 2016, and did not make a complete filing by May 16. On June 20, the Commission assessed a penalty of \$1,000 against ATS, calculated as \$100 per business day from May 2 to May 16.
- 3 On June 27, 2016, ATS filed a complete annual report. On June 28, ATS responded to the Commission's penalty assessment and requested mitigation based on the written information provided. The Company explained that it submitted its annual report and paid its regulatory fee on May 2, 2016. Because the Company made no interstate trips and had no accidents, it left those two fields of the form blank. The Company claims it did not receive any indication from the Commission that its report was incomplete until it received the penalty assessment. ATS requests the Commission waive the penalty in its entirety based on the Company's record of compliance and the fact that it inadvertently omitted information.
- 4 On July 13, 2016, Commission staff (Staff) filed a response recommending the Commission grant the Company's request for mitigation because the Company has no prior violations of WAC 480-30-071.

DISCUSSION

- 5 WAC 480-30-071 requires charter and excursion carriers to file annual reports by May 1 of each year, or the first business day thereafter. Companies are responsible for complying with their legal obligations, and the Company should have ensured its report was complete when it was originally filed.
- 6 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected, a company's history of compliance, and the likelihood the violation will recur.¹ Here, ATS timely paid its regulatory fee, made a good faith effort to file its annual report by the due date, and has since corrected the violation by filing a complete report. In addition, this is the Company's first violation of WAC 480-30-071 since it became regulated in 2008. Given the Company's history of compliance, the violations are not likely to recur. In light of these factors, the Commission will exercise its discretion to grant full mitigation of the penalty.

ORDER

THE COMMISSION ORDERS:

- 7 (1) ATS Trans, LLC's request for mitigation of the \$1,000 penalty is GRANTED.
- 8 (2) No penalty is due.
- 9 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective August 5, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.