

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment  
Against

MAY TRAVEL, LLC

in the amount of \$1,000

DOCKET TE-160709

ORDER 01

ORDER DENYING REQUEST FOR  
HEARING; DENYING CONTEST OF  
VIOLATIONS; GRANTING MITIGATION  
TO \$250

**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 May Travel, LLC (May Travel or Company) did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 21, the Commission assessed a penalty of \$1,000 against May Travel, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 6, 2016, May Travel responded to the Commission's penalty assessment, requesting a hearing and contesting the violations. In its request, the Company stated, "I sent the annual report and fee in March, 2016. Please receive a copy of the 2015 Annual Report." May Travel included, with its response, a completed annual report for Sino-M International, LLC d/b/a Seattle May Travel (Sino-M International).
- 4 On July 21, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company became regulated in 2015 and therefore has no prior violations of WAC 480-30-071. Staff contacted the Company on July 21 and confirmed that Sino-M International is a separate entity from May Travel that must file its own annual report. On July 25, 2016, May Travel filed a complete annual report.

## DISCUSSION

- 5 WAC 480-30-071 requires charter and excursion carriers to file annual reports and pay regulatory fees 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 annual report was filed by the deadline.
- 6 As a preliminary matter, we deny the Company's request for a hearing. The Commission's penalty assessment advised the Company that a request for hearing will only be granted if material issues of law or fact require consideration of evidence and resolution in hearing. Here, no issues of law or fact are in dispute. Commission records show that a complete annual report for the correct entity, May Travel, was not received until July 25, 2016. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.
- 7 The Commission also denies the Company's contest of the violations. The undisputed facts demonstrate that the Commission received the Company's annual report on July 25, 2016. The Company has thus violated the law.
- 8 We will, however, construe the Company's submission as a request for mitigation and assess a reduced penalty. 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.<sup>1</sup> Here, May Travel has corrected the violation by filing its annual report and paying its regulatory fee. In addition, this is the Company's first violation of WAC 480-30-071 since it became regulated in 2014. Although the Company has a relatively brief history of compliance, we have routinely granted mitigation for first-time violations. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

## ORDER

### THE COMMISSION ORDERS:

- 9 (1) May Travel, LLC's request for a hearing is DENIED.

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

- 10 (2) May Travel, LLC's contest of the violations is DENIED.
- 11 (3) May Travel, LLC's request for mitigation is GRANTED, in part, and the penalty is reduced to \$250.
- 12 (4) The \$250 penalty is due and payable no later than August 25, 2016.
- 13 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 11, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

**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.**