

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against WINERIES EXPRESS, LLC in the amount of \$1,000	DOCKET TE-160734 ORDER 01 ORDER GRANTING MITIGATION TO \$250
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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 Wineries Express, LLC (Wineries Express or Company) filed its annual report on May 16, 2016. On June 22, the Commission assessed a penalty of \$1,000 against Wineries Express, calculated as \$100 per business day from May 2 to May 13.

- 3 On July 14, 2016, Wineries Express responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it is a one-man operation that provides wine tours, and the owner inadvertently overlooked the filing deadline. The Company requested the Commission reduce the penalty amount, which it believes is large relative to the size of the Company.

- 4 On July 27, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company has been active since 2013 and 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 annual report was received by the deadline.

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, Wineries Express corrected the violation by filing its annual report and paying its regulatory fee prior to receiving the penalty assessment. In addition, this is the Company's first violation of WAC 480-30-071 since it became regulated in 2013. Although the Company has 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:

- 7 (1) Wineries Express, LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The \$250 penalty is due and payable no later than August 29, 2016.
- 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 15, 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.

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