



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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July 17, 2017

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Andre C. Selfa*

Commission Staff's Response to Application for Mitigation of Penalties TE-170642

Dear Mr. King:

On June 21, 2017, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-170642 against Andre C. Selfa for 10 violations of Washington Administrative Code (WAC 480-30-071 and 480-30-076), which requires charter and excursion companies to furnish annual reports, supporting documentation and the regulatory fee to the commission no later than May 1 each year.

On June 26, 2017, Andre C. Selfa wrote the commission requesting mitigation of penalties. In its mitigation request, Andre C. Selfa does not dispute the violation occurred. The company states, "...I admit fault in the late filing. As a 1 person very small business working at most 1 day a week (in the summers) of work/transportation, the penalty of \$1000 feel extreme and excessive at 40 times the filing fee. I have continued to try to do business properly and maintain all insurance/DOT/MCS/State filings/etc. up to date, current, and properly filed. My information has not changed in 6 years. My business makes very little profit, but enough to make it worth working for myself doing wine tours in Walla Walla. Large fees of \$1000 on a \$25 filing for being late would make it not worth it for me to do business much longer and I formally request a reduction."

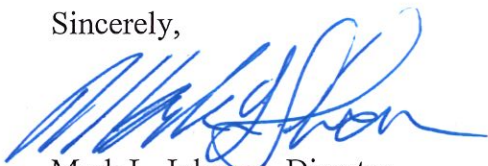
It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 28, 2017, Annual Report packets were sent to all regulated charter and excursion companies. The instructions page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 1, 2017, to avoid enforcement action.

The company filed their complete annual report on June 21, 2017 and the regulatory fee was paid on June 22.

The Commission will only grant mitigation if the violations occurred due to circumstances beyond the company's control. Andre C. Selfa did not illustrate that they were unable to file their annual report and pay their regulatory fee due to circumstances beyond their control. Staff does not recommend mitigation nor a reduction of the penalty. Andre C. Selfa indicates that a \$1,000 penalty would impose a substantial hardship. After reviewing the company's prior revenue figures, staff agrees that this penalty may create a financial hardship. As such, Staff recommends that \$500 of the penalty be suspended on the condition the Company timely files its 2017 annual report and the associated regulatory fee by May 1, 2018 and either pays the \$500 unsuspended portion of the penalty or jointly proposes a payment arrangement with Commission Staff within 15 days of the Commission's order.

If you have any questions regarding this recommendation, please contact Sean Bennett, Regulatory Analyst, at (360) 664-1157, or sbennett@utc.wa.gov.

Sincerely,



Mark L. Johnson, Director
Administrative Services