

[Service Date March 28, 2013]

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-130200
Against)	
)	ORDER 01
GENIE SERVICE COMPANY, INC.)	
)	ORDER DENYING MITIGATION
in the amount of \$100.00)	
.....)	

- 1 On January 7, 2013, the Washington Utilities and Transportation Commission (Commission) notified charter and excursion companies that had not yet filed their annual safety reports and paid their regulatory fees—due each year on December 31—that it would start imposing daily penalties as of January 7, 2013. WAC 480-30-071 and 480-30-076. The Commission received Genie Service Company, Inc.’s (Genie or Company) annual report and fee on January 11, 2013.

- 2 On March 4, 2013, the Commission notified Genie that the Commission was assessing a penalty against the Company because Genie filed its report and paid its fee four business days late. The Commission stated that it would impose a mitigated penalty against Genie of \$25.00 per day, for a total penalty of \$100.00.

- 3 On March 11, 2013, Genie responded to the Commission, stating that its report and check was submitted in December 2012.

- 4 On March 20, 2013, Commission Staff (Staff) filed a response opposing the Company’s request for mitigation. Staff states that although Genie argues that it submitted its report and fee in December 2012, the Commission’s records indicate that they were received on January 11, 2013. Genie offers no evidence to refute the Commission’s records. In addition, Staff observes that the Commission has already mitigated Genie’s penalty by reducing it from the statutorily authorized amount of \$100 per day to \$25 per day.

- 5 On March 27, 2013, the Commission received Genie’s payment of the \$100 penalty. The Commission denies Genie’s request for additional mitigation.

- 6 The Acting 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 March 28, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Acting Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1) on its website for at least 14 days. You must file a request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.