

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-130215
Against)	
)	ORDER 01
TEAM FORKS, LLC)	
)	ORDER WAIVING PENALTY
in the amount of \$200.00)	
.....)	

- 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.
- 2 On January 17, 2013, Team Forks, LLC (Team Forks) filed its annual safety report for 2012 and paid its annual fee for 2013.
- 3 On March 5, 2013, the Commission notified Team Forks that the Commission was assessing a penalty against the Company because Team Forks had filed its report and paid its fee late. The Commission stated that it would impose a mitigated penalty against Team Forks of \$25.00 per day for eight business days—a total penalty of \$200.00.
- 4 On March 11, 2013, Team Forks responded to the Commission, requesting mitigation of the penalty. Team Forks does not dispute that it failed to file its report or pay its annual fee on time. Rather, Debbie Bennett of Team Forks explains that she was confused about Department of Transportation and Commission forms and called the Commission several times to try to alleviate her confusion. Ms. Bennett explains that her husband was diagnosed with cancer “just before all this” and that she was “not thinking straight.”
- 5 On March 20, 2013, Commission Staff (Staff) filed a response supporting the Company’s request for mitigation. Staff explains that while it would not typically support reducing an already-reduced penalty, in light of the unusual medical circumstances and the fact that Team Forks has not filed a late report or fee in the past, Staff supports waiving any and all penalties.

- 6 The Commission grants Team Forks's request for additional mitigation. The medical condition of one of the Company's owners merits the exercise of the Commission's discretion to waive the Commission's penalty in this case.
- 7 The penalty assessed against Team Forks is waived.
- 8 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 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.