

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TE-141050
Against	)	
	)	ORDER 01
AMERICAN PATRIOT COACH LLC	)	
	)	ORDER DENYING MITIGATION
in the amount of \$1,000	)	
.....	)	

**BACKGROUND**

- 1 Washington law requires charter and excursion carriers to file annual reports by May 1 of each year. WAC 480-30-071. On November 23, 2013, the Washington Utilities and Transportation Commission (Commission) mailed a letter to all charter and excursion carriers explaining that it recently adopted a rule changing the annual report due date for those carriers from December 31 to May 1. Regulatory fees remain due on December 31. On February 28, 2014, the Commission mailed annual report forms to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports by May 1, 2014, 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 American Patriot Coach timely paid its regulatory fee, but did not file its annual report on May 1, 2014, and had not made that filing by May 15. On May 27, the Commission assessed a penalty of \$1,000 against American Patriot Coach, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 10, 2014, American Patriot Coach filed its annual report.
- 4 On June 16, 2014, American Patriot Coach responded to the Commission’s penalty assessment admitting the violations and requesting mitigation of the penalty based on the written information provided. The Company explained that it overlooked its filing due to the change in deadline for annual reports for charter and excursion companies.

5 On June 30, 2014, Commission Staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation because the Company received penalties for late filings in 2010 and 2013, and presented no new information for Staff to consider.

### **DISCUSSION**

6 WAC 480-30-071 requires charter and excursion carriers to file annual reports by May 1 of each year. Companies are responsible for being aware of applicable Commission rules and complying with their legal obligations. Accordingly, the Company should have been aware of the need to file an annual report long before the Commission assessed the penalty on May 27, 2014, particularly when the Commission sent forms and a reminder on February 28 and the Company has past violations.

7 The Commission agrees with Staff's recommendation and denies the Company's request for mitigation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance and the likelihood the violation will recur.<sup>1</sup> Ultimately, the Commission's goal is to gain compliance going forward. Here, the Company filed late in both 2010 and 2013, and received a reduced penalty in 2013. The Company's compliance history demonstrates that the violation is likely to recur absent an escalated penalty. Accordingly, the Commission finds the penalty amount to be a reasonable deterrent to overlooking future filing deadlines and requirements.

### **ORDER**

#### **THE COMMISSION ORDERS:**

8 (1) The request of American Patriot Coach LLC for mitigation of the \$1,000 penalty is DENIED.

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

9 (2) The penalty is due and payable no later than July 30, 2014.

10 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 July 16, 2014.

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. 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.**