

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TC-150982
Against)	
)	ORDER 01
WICKKISER INTERNATIONAL)	
COMPANIES, INC.)	ORDER GRANTING MITIGATION
)	
in the amount of \$1,000)	
.....)	

BACKGROUND

- 1 Washington law requires auto transportation companies to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-30-071. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all auto transportation companies. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2015, 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 Wickkiser International Companies, Inc. (Wickkiser or Company) filed an incomplete annual report on May 1, 2015, and had not made a complete filing by May 15. On May 22, the Commission assessed a penalty of \$1,000 against Wickkiser, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 3, 2015, Wickkiser responded to the Commission’s penalty assessment, disputing the violations and requesting the penalty be waived. The Company explained that it was contacted by Commission staff (Staff) on May 5 and informed that its report was incomplete because the space for interstate mileage was left blank. The Company claims it later spoke to Staff, explained that the blank space indicated “zero,” and was told that no further action was needed.
- 4 On June 12, 2015, Staff filed a response recommending the Commission grant the Company’s request for mitigation because previous years’ annual reports were accepted with blank mileage information to indicate “zero,” and because the Company has no prior violations of WAC 480-30-071. Staff advised the Company that future annual report filings should include responses in all fields, even if the answer is “zero.” Reports filed with blank fields are considered incomplete.

DISCUSSION

5 The Commission agrees with Staff's recommendation and grants the Company's request for mitigation. 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, Wickkiser believed its report was complete as filed because previous reports containing the same deficiency were accepted by the Commission; the violation was officially corrected when the Company submitted its request for mitigation. Moreover, this is Wickkiser's first violation of WAC 480-30-071 since the Company became regulated by the Commission more than 25 years ago. Given the Company's history of compliance, the violations are unlikely to recur. The Company should heed Staff's advice, however, and ensure all fields are completed on its annual report forms going forward.

ORDER

THE COMMISSION ORDERS:

- 6 (1) Wickkiser International Companies, Inc.'s request for mitigation of the \$1,000 penalty is GRANTED.
- 7 (2) No penalty is due.
- 8 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 2, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

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

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.