



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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

(360) 664-1160 • TTY (360) 586-8203

September 9, 2015

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. Aspen Limo Tours LLC*

Commission Staff's Response to Application for Mitigation of Penalties TE-151004

Dear Mr. King:

On June 8, 2015, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-151004 against Aspen Limo Tours LLC for 10 violations of Washington Administrative Code (WAC) 480-30-071 which requires charter and excursion carriers to furnish annual reports to the commission no later than May 1 each year.

On September 4, 2015, Aspen Limo Tours LLC wrote the commission requesting mitigation of penalties. In its mitigation request, Aspen Limo Tours LLC does not dispute the violation occurred. The company's response states, "I was told the annual report was handled by ops manager. I later found not to be true, made internal changes". The company requests lenience and a total refund of the paid penalty assessment.

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 27, 2015, Annual Report packets were mailed to all regulated charter and excursion carriers. The instructions for annual report completion page of the annual report informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2015, to avoid enforcement action.

As of September 8, 2015, Aspen Limo Tours LLC has not filed the 2014 annual report. The regulatory fees were paid on November 12, 2014. Aspen Limo Tours LLC has been active since April 25, 2014. The company did not submit the request for mitigation within the 15 days stated in the penalty assessment. Aspen Limo's response came only after a certified letter for notice of intent to cancel the company's operating certificate. Staff does not support the

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company's request to refund the penalty in full. However, staff supports mitigation of the penalty as this is the company's first delinquent filing. Staff recommends a reduced penalty of \$25 for a total penalty assessment of \$250, with \$750 being refunded to the company, subject to the completed annual report being submitted to the commission.

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

Sincerely,



Sondra Walsh, Director
Administrative Services