

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TN-160663
LOWER COLUMBIA COMMUNITY ACTION COUNCIL, INC.	ORDER 01
in the amount of \$900	ORDER GRANTING MITIGATION

**BACKGROUND**

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all nonprofit transportation companies. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by Monday, May 2, 2016, 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 On May 13, 2016, Lower Columbia Community Action Council, Inc. (LCCAC or Company) filed its annual report and paid the required regulatory fee. On June 17, the Commission assessed a penalty of \$900 against LCCAC, calculated as \$100 per business day from May 2 to May 12.
- 3 On July 8, 2016, LCCAC responded to the Commission's penalty assessment, admitting the violations and requesting mitigation of the penalty based on the written information provided. In its request, LCCAC stated, "... the 2015 annual report and 2016 regulatory fees were filed late due to an oversight by our Transportation Department Manager. The Department Manager has been dealing with some significant health problems that have taken him away from the office for periods of time, and unfortunately the request forms were set aside and not picked up to complete until they were already past due. Lower Columbia CAP has never been late and we request the our past compliance be taking into consideration in reducing the \$900 penalty."
- 4 On July 25, 2016, Commission staff (Staff) filed a response recommending the Commission grant the Company's request for mitigation because the Company introduced new information related to its transportation manager's medical issues and the Company has no prior violations of WAC 480-30-080.

**DISCUSSION**

- 5 WAC 480-30-080 requires nonprofit transportation companies to file annual reports by May 1 of each year, or the first business day thereafter. Companies are responsible for complying with their legal obligations, and the Company should have ensured its report was received prior to the deadline.
- 6 We nevertheless agree with Staff that mitigation is appropriate here. 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.<sup>1</sup> LCCAC corrected the violation by filing a complete annual report prior to receiving the penalty assessment. In addition, LCCAC introduced new information related to its transportation manager's medical issues, which interfered with the Company's ability to ensure its annual report was timely filed. Most notably, LCCAC's primary purpose is to provide a valuable service to a vulnerable population; imposing a penalty would only harm the people it serves. Mitigating the penalty in its entirety is appropriate in light of the circumstances presented and LCCAC's nonprofit status.

**ORDER**

THE COMMISSION ORDERS:

- 7 (1) Lower Columbia Community Action Council, Inc.'s request for mitigation of the \$1,000 penalty is GRANTED.
- 8 (2) No penalty is due.
- 9 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 August 11, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

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<sup>1</sup> 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.**