

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TN-160665
NORTHWEST CONNECTIONS	ORDER 01
in the amount of \$1,000	ORDER GRANTING MITIGATION TO \$100

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 Northwest Connections did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 17, the Commission assessed a penalty of \$1,000 against Northwest Connections, calculated as \$100 per business day from May 2 to May 16.
- 3 On June 29, 2016, Northwest Connections responded to the Commission's penalty assessment, contesting the violations and requesting mitigation of the penalty based on the written information provided. In its response, Northwest Connections explained that it filed its annual report when it paid its regulatory fee on May 2.
- 4 On June 27, 2016, Northwest Connections filed its annual report.
- 5 On July 13, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company received and paid a penalty in 2015 for violations of WAC 480-30-080.

DISCUSSION

- 6 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 filed prior to the deadline.

7 As a preliminary matter, we deny the Company's contest of violations. Although Northwest Connections timely paid its regulatory fee, Commission records show that its annual report was not received until June 27, 2016.

8 The Commission will nevertheless exercise its discretion to assess a reduced penalty of \$100 due to the circumstances presented 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.¹ Although Northwest Connections received and paid a penalty for violations of WAC 480-30-080 in 2015, it has since corrected the violations at issue. Most notably, Northwest Connections' primary purpose is to provide a valuable service to a vulnerable population; the imposition of a large penalty would only harm the people it serves. Assessing a penalty for one violation of WAC 480-30-080, rather than a "per violation" penalty is appropriate in light of the circumstances presented and Northwest Connections' nonprofit status.

ORDER

THE COMMISSION ORDERS:

9 (1) Northwest Connections' request for mitigation of the \$1,000 penalty is GRANTED, in part, and the penalty is reduced to \$100.

10 (2) The \$100 penalty is due and payable no later than August 19, 2016.

11 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 5, 2016.

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.