

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment  
Against

EARL ALEXANDER

in the amount of \$1,000

DOCKET TE-160673

ORDER 01

ORDER DENYING MITIGATION

**BACKGROUND**

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all charter and excursion carriers. 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 Earl Alexander (Earl Alexander or Company) did not file an annual report on May 2, 2016, and had not made that filing by May 16. On June 20, the Commission assessed a penalty of \$1,000 against Earl Alexander, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 5, 2016, Earl Alexander responded to the Commission's penalty assessment, admitting the violations and requesting mitigation. The Company did not provide a written explanation as required.
- 4 On July 19, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company has no prior violations of WAC 480-30-071. Staff conditioned its recommendation on the Company filing a complete annual report and paying the required regulatory fee by August 5.
- 5 As of the date of this Order, Earl Alexander has not filed its 2015 annual report or paid the required regulatory fee.

**DISCUSSION**

6 WAC 480-30-071 requires charter and excursion carriers 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 timely filed.

7 We find that mitigation of the penalty is not 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> Earl Alexander became regulated in 2015;  
although we typically grant mitigation to companies in their first year of operation, the  
Company has yet to correct the violations by filing its annual report or paying its  
regulatory fees. Moreover, the Company failed to provide any information that would  
warrant a penalty reduction. Accordingly, we find the \$1,000 penalty to be an appropriate  
incentive for the Company to ensure timely filings going forward.

**ORDER**

THE COMMISSION ORDERS:

8 (1) Earl Alexander's request for mitigation of the \$1,000 penalty is DENIED.

9 (2) The \$1,000 penalty is due and payable no later than August 24, 2016.

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 August 10, 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.**