

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-141082
Against)	
)	ORDER 01
TEAM FORKS, LLC)	
)	ORDER GRANTING
in the amount of \$1,000)	MITIGATION TO \$250
.....)	

BACKGROUND

- 1 Washington law requires charter and excursion carriers to file annual reports by May 1 of each year. WAC 480-30-071. On November 23, 2013, the Washington Utilities and Transportation Commission (Commission) mailed a letter to all charter and excursion carriers explaining that it recently adopted a rule changing the annual report due date for those carriers from December 31 to May 1. Regulatory fees remain due on December 31. On February 28, 2014, the Commission mailed annual report forms to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports by May 1, 2014, 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 Team Forks did not file its annual report on May 1, 2014, and had not made that filing by May 15. On May 28, 2014, the Commission assessed a penalty of \$1,000 against Team Forks, calculated as \$100 per business day from May 1 to May 15.

- 3 On June 23, 2014, Team Forks responded to the Commission’s penalty assessment admitting the violations and requesting mitigation of the penalty based on the written information provided. The Company stated that the annual report forms mailed on February 28 were sent to its previous owner’s address; on March 6, the Commission approved the Company’s transfer of ownership, and its new address became effective on that date.

4 Team Forks timely paid its regulatory fee and ultimately filed its annual report on June 23, 2014.

5 On July 8, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, due to the Company's change in ownership. Staff noted that although the company late filed in 2013, the previous owner was responsible for that violation of WAC 480-30-071.

DISCUSSION

6 WAC 480-30-071 requires charter and excursion carriers to file annual reports by May 1 of each year. Companies are responsible for complying with their legal obligations. The Company should have been aware of the need to file an annual report, and should not rely on Commission reminders to ensure compliance.

7 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected and a company's history of compliance. Here, because the Company changed ownership one week after the Commission mailed annual report forms to all regulated companies, it did not receive notice the report was due. Accordingly, the Company filed its annual report upon receipt of the penalty, thereby correcting the violation. Although the Company should have been aware of its need to file an annual report absent the Commission's reminder, we have granted leniency to similarly situated companies for first time violations. The Commission will therefore exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

8 (1) The request of Team Forks, LLC for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.

9 (2) The penalty is due and payable no later than July 30, 2014.

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 July 16, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

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. The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.