

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-151068
Against)	
)	ORDER 01
STARS & STRIPES SHUTTLE)	
SERVICE, LLC)	ORDER DENYING REQUEST FOR
)	HEARING; DENYING CONTEST
in the amount of \$1,000)	OF VIOLATION; GRANTING
.....)	MITIGATION TO \$250

BACKGROUND

- 1 Washington law requires charter and excursion carriers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-30-071. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2015, 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 Stars & Stripes Shuttle Service, LLC (Stars & Stripes or Company) did not file an annual report on May 1, 2015, and had not made that filing May 15. On June 10, the Commission assessed a penalty of \$1,000 against Stars & Stripes, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 5, 2015, Stars & Stripes filed an incomplete annual report. On June 8, the Company responded to the Commission’s penalty assessment, contesting the violations and requesting a hearing. The Company provided the following information: “My own fault, but I put on my calendar due by 5/31/15, not 5/1/15. When I received the email saying I was late I got the paperwork done.” On June 25, the Company completed its filing.
- 4 On June 29, 2015, Commission staff (Staff) filed a response recommending the Commission assess a reduced penalty of \$25 per day, or \$250, because the Company paid

its regulatory fee and has no prior violations of WAC 480-30-071 related to its charter and excursion authority.

DISCUSSION

5 WAC 480-30-071 requires charter and excursion carriers to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations, and the Company should have ensured its complete annual report was received by May 1.

6 As a preliminary matter, we deny the Company's request for a hearing. The Commission's penalty assessment advised the Company that a request for hearing will only be granted if material issues of law or fact require consideration of evidence and resolution in hearing. Here, no issues of law or fact are in dispute. The Company admits that it missed the filing deadline and accepts responsibility for its error. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.

7 The Commission also denies the Company's contest of the violations. In its request, the Company admits that the violations occurred.

8 We will, however, construe the Company's submission as a request for mitigation and assess a reduced penalty. 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 Here, Stars & Stripes has since filed its annual report. In addition, this is the Company's first violation of WAC 480-30-071 relate to its charter and excursion authority since the company changed ownership in 2010, and we have routinely granted mitigation for first time violations. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

- 9 (1) Stars & Stripes Shuttle Service, LLC's request for a hearing is DENIED.
- 10 (2) Stars & Stripes Shuttle Service, LLC's contest of the violations is DENIED.
- 11 (3) Stars & Stripes Shuttle Service, LLC's request for mitigation is GRANTED, in part, and the penalty is reduced to \$250.
- 12 (4) The \$250 penalty is due and payable no later than July 10, 2015.
- 13 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 June 30, 2015.

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.