

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against  STANWOOD COMMUNITY AND SENIOR CENTER  in the amount of \$1,000	DOCKET TN-160668  ORDER 01  ORDER DENYING REQUEST FOR HEARING; GRANTING MITIGATION
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**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 Stanwood Community and Senior Center (Stanwood or Company) paid its regulatory fee on April 12, 2016. Stanwood 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 Stanwood, calculated as \$100 per business day from May 2 to May 16.
- 3 On June 23, 2016, Stanwood responded to the Commission's penalty assessment, requesting a hearing and contesting the violations. In its request, Stanwood stated, "We have records that show this was submitted in April 2016." The Company did not include any supporting documentation.
- 4 On June 28, 2016, Stanwood filed a complete annual report.
- 5 On July 1, 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 480-30-080.

**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 received prior to the deadline.

- 7 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. Commission records show that the Company's annual report was not received until June 28, 2016. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.
- 8 We will, however, construe the Company's submission as a request for mitigation. 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> Here, Stanwood has since corrected the violation by filing a complete annual report. In addition, this is Stanwood's first violation of WAC 480-30-080 since it became regulated in 2010. Given the Company's history of compliance, the violations are unlikely to recur. Most notably, Stanwood'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 Stanwood's nonprofit status.

## ORDER

### THE COMMISSION ORDERS:

- 9 (1) Stanwood Community and Senior Center's request for a hearing is DENIED.
- 10 (2) Stanwood Community and Senior Center's request for mitigation of the \$1,000 penalty is GRANTED.
- 11 (3) No penalty is due.

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

- 12 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 12, 2016.

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.**