

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of Penalty Assessment Against
Compass Health, in the amount of \$100.00

DOCKET NO. TN-060237

COMMISSION STAFF'S
RESPONSE TO COMPASS
HEALTH'S APPLICATION FOR
MITIGATION

1 Pursuant to WAC 480-07-370(1)(c), Commission Staff submits this response to Compass
Health's Application for Mitigation.

I. BACKGROUND

2 On February 28, 2006, the Washington Utilities and Transportation Commission
(Commission) assessed a penalty in the amount of \$100 against Compass Health for failure to
timely submit its annual report to the Commission. On March 7, 2006, Compass Health filed an
Application for Mitigation of Penalties. For the reason given below, Commission Staff (Staff)
supports mitigating the penalty assessed against Compass Health.

3 Each year, in accordance with WAC 480-31-080, private nonprofit special needs
transportation providers must file an annual report and pay regulatory fees by May 1. To assist
companies with timely filing, the Commission sent each private nonprofit special needs
transportation provider registered with the Commission a notice on March 3, 2005, with the
annual report form attached, reminding providers of the filing deadline and informing them that
they could access annual report forms on the Commission's website or request additional paper
copies.¹

¹ See Declaration of Sheri Hoyt, Attachment A at Appendix A.

4 On June 1, 2005, the Commission sent out a delinquency letter to Compass Health.² In
this letter, the Commission stated that its records indicated that Compass Health had not yet filed
its 2004 annual report form or paid the per-vehicle regulatory fee for 2005 and that Staff
intended to recommend enforcement action against any provider that failed to file a completed
annual report by July 1.³

5 Because Staff found that Compass Health had never filed its 2004 annual report, the
Commission sent Compass Health a Notice of Penalties.⁴ In that notice, issued February 28,
2006, the Commission issued a penalty of \$100 for failure to timely file the 2004 annual report.⁵
Although the penalty assessment contained a typo in its citation to the applicable regulation,
Compass Health has not claimed any confusion resulted from this error.⁶

6 On March 14, 2006, the Commission received Compass Health's 2004 annual report and
2005 regulatory fee.⁷

II. ARGUMENT

7 In its Application for Mitigation of Penalties, Compass Health reports that it does not
know why it failed to file the annual report and regulatory fee. Compass Health attributes its
internal confusion to staff turnover. Given that the Commission has received Compass Health's
2004 annual report and 2005 regulatory fee, Staff believes the most efficient resolution of this
dispute entails recommending full mitigation of the penalty.

² See Declaration of Sheri Hoyt, Attachment A at Appendix B.

³ See *Id.*

⁴ See Declaration of Sheri Hoyt at ¶4.

⁵ Declaration of Sheri Hoyt at ¶4.

⁶ See *id.*

⁷ Declaration of Sheri Hoyt at ¶8.

III. CONCLUSION

8 Staff supports mitigating the entire assessed penalty of \$100. Accordingly, staff requests that Compass Health's Application for Mitigation of Penalties be granted.

DATED this 20th day of March, 2006, at Olympia, Washington.

Respectfully submitted,

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