**BEFORE THE WASHINGTON**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of a Penalty Assessment Against  JMI LIMOUSINE, INC.  in the amount of $1,000 | DOCKET TE-160703  ORDER 01  ORDER GRANTING MITIGATION TO $250 |

# 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. JMI Limousine, Inc. (JMI or Company) filed an incomplete annual report on March 29, 2016, and had not made a complete filing by May 16. On June 28, the Commission assessed a penalty of $1,000 against JMI, calculated as $100 per business day from May 2 to May 16.
3. On July 7, 2016, JMI filed a complete annual report. On July 14, JMI responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the information provided. The Company failed to provide a written explanation for the violations as required.
4. On July 26, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to $25 per day, or $250, because the Company became regulated in 2015 and therefore has no prior violations of WAC 480-30-071.

# DISCUSSION

1. 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.
2. 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, a company’s history of compliance, and the likelihood the violation will recur.[[1]](#footnote-1) Here, JMI has corrected the violation by filing its annual report and paying its regulatory fee. Because we have routinely granted mitigation to similarly-situated companies in their first year of operation, the Commission will exercise its discretion to reduce the penalty to $250.

# ORDER

THE COMMISSION ORDERS:

1. (1) JMI Limousine, Inc.’s request for mitigation of the $1,000 penalty is GRANTED in part, and the penalty is reduced to $250.
2. (2) The $250 penalty is due and payable no later than August 29, 2016.
3. 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 15, 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.**

1. Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013). [↑](#footnote-ref-1)