

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of PENALTY ASSESSMENT
AGAINST The Caroline Kline Galland
Home, in the amount of \$100.00

DOCKET NO. TN-060238

COMMISSION STAFF'S
RESPONSE TO THE CAROLINE
KLINE GALLAND HOME'S
APPLICATION FOR MITIGATION

1 Pursuant to WAC 480-07-370(1)(c), Commission Staff submits this response to The
Caroline Kline Galland Home'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 The Caroline Kline Galland
Home (Galland Home) for failure to timely submit its annual report to the Commission. On
March 6, 2006, the Galland Home filed an Application for Mitigation of Penalties. For the
reason given below, Commission Staff (staff) supports mitigating the penalty assessed
against Galland Home.

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,
reminding providers of the filing deadline and informing them that they could access annual
report forms on the Commission's web site or request 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 Galland Home.² In
this letter, the Commission stated that its records indicated that Galland Home 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 On December 12, 2005, the Commission received Galland Home's 2004 annual
report and 2005 regulatory fee calculation sheet containing the information required to bill
the provider's credit card for the regulatory fee.⁴ These documents were mislaid, however,
and consequently Galland Home's annual report was not entered into the Commission's
Annual Reports Tracking System.⁵

6 Because staff found that the regulatory fees had been filed after the July 1
enforcement deadline, the Commission sent Galland Home a Notice of Penalties.⁶ In that
notice, issued February 28, 2006, the Commission issued a penalty of \$100 for failure to
timely file the 2004 annual report.⁷ Although the penalty assessment contained a typo in its
citation to the applicable regulation, Galland Home has not claimed any confusion resulted
from this error.⁸

II. ARGUMENT

7 In its Application for Mitigation of Penalties, Galland Home reports that it filed its
2004 annual report on December 12, 2005. Galland Home explains that it did not file before
then because a UTC auditor told the provider it "did not qualify as an agency that would be

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

³ *See Id.*

⁴ Declaration of Sheri Hoyt at ¶9.

⁵ *Id.*

⁶ *See* Declaration of Sheri Hoyt at ¶4.

⁷ Declaration of Sheri Hoyt at ¶4.

⁸ *See id.*

under UTC regulation.” According to its application for mitigation, Galland Home subsequently determined that its RideShare service is regulated by the UTC and filed its 2004 annual report. Because the Commission received Galland Home’s 2004 annual report but then mislaid it, staff supports mitigating the penalty in full.

III. CONCLUSION

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

DATED this 15th day of March, 2006, at Olympia, Washington.

Respectfully submitted,

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