

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-151020
Against)	
)	ORDER 01
ELEGANT LIMO, INC.)	
)	ORDER DENYING REQUEST FOR
in the amount of \$1,000)	HEARING; 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 Elegant Limo, Inc. (Elegant Limo or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 9, the Commission assessed a penalty of \$1,000 against Elegant Limo, calculated as \$100 per business day from May 1 to May 15. On August 11, 2015, the Commission issued a Notice of Intent to Cancel Certification as a Charter and Excursion Carrier and Opportunity to Request a Hearing (Notice).
- 3 On August 19, 2015, Elegant Limo filed an incomplete annual report and paid its regulatory fee. On August 26, the Company filed a complete annual report. On August 27, Elegant Limo responded to the Commission’s penalty assessment. The Company admitted the violations and requested a hearing. In its request, the Company explained that due to a change of address – which was provided to the Commission on March 16, 2015 – it never received an annual report form from the Commission. The Company also provided documentation that the owner’s mother died, and that he left the country in May 2015 to spend time with her in the weeks leading up to her death.

- 4 On August 28, 2015, Commission staff (Staff) filed a response recommending the Commission assess a reduced penalty of \$25 per day, or \$250, because the Company became regulated in 2014 and therefore has no prior violations of WAC 480-30-071. Staff supports mitigation despite the Company's failure to respond to the penalty assessment within 15 days because of the extenuating circumstances presented by the Company in its mitigation request.

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 not rely on reminders from the Commission to ensure compliance.
- 6 As a preliminary matter, we deny the Company's request for a hearing. Even though the request is not timely, the Commission will consider it under the extenuating circumstances the Company provides. We deny the request, however, because it presents no genuine issues of material fact or law. While Staff does not dispute the Company's facts, they do not excuse the Company's failure to timely file its annual report and pay its regulatory fee. Accordingly, the Company's request is denied.
- 7 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, and whether the company introduces new information that was not previously considered.¹ Here, Elegant Limo has since paid its regulatory fee and filed its annual report. In addition, we have consistently granted mitigation to similarly situated companies in their first year of operation. Finally, the Company provided new information about a death in family that excused its failure to respond to the penalty assessment within 15 days. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

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

ORDER

THE COMMISSION ORDERS:

- 8 (1) Elegant Limo, Inc.'s request for a hearing is DENIED.
- 9 (2) Elegant Limo, Inc.'s request for mitigation is GRANTED, in part, and the penalty is reduced to \$250.
- 10 (3) The \$250 penalty is due and payable no later than September 24, 2015.
- 11 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 September 14, 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.