

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-141051
Against)	
)	ORDER 01
APEX LIMO SERVICE LLC)	
)	ORDER GRANTING
in the amount of \$1,000)	MITIGATION TO \$200
.....)	

BACKGROUND

- 1 Washington law requires charter and excursion carriers to file annual reports by May 1 of each year. WAC 480-30-071. On November 23, 2013, the Washington Utilities and Transportation Commission (Commission) mailed a letter to all charter and excursion carriers explaining that it recently adopted a rule changing the annual report due date for those carriers from December 31 to May 1. Regulatory fees remain due on December 31. On February 28, 2014, the Commission mailed annual report forms to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports by May 1, 2014, 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 Apex Limo Service did not file its annual report on May 1, 2014, and had not made that filing by May 15. On May 23, the Commission assessed a penalty of \$1,000 against Apex Limo Service, calculated as \$100 per business day from May 1 to May 15.

- 3 On June 5, 2014, Apex Limo Service filed its annual report and paid its regulatory and late payment fees. That same day, the Company responded to the Commission’s penalty assessment contesting the violations and requesting a hearing. The Company failed, however, to include a written explanation for its request, as required. On July 9, the Commission issued a notice denying the Company’s request for a hearing and providing an opportunity for the Company to submit a written statement supporting its request for mitigation.

- 4 On July 15, 2014, the Company filed a letter explaining the circumstances that led to the violations. The Company stated that it has one vehicle, which was stolen in August 2013. The Company has since recovered the vehicle and made more than \$13,000 in repairs. The Company stated it has made very little money, and is in the process of trying to sell the vehicle. Finally, the Company stated that a Commission employee told its owner that because the bus was not used for interstate transportation, filing an annual report was unnecessary.
- 5 On July 28, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$200 because the Company has no prior violations of WAC 480-30-071. Staff also noted that the Commission recently adopted new rules requiring annual reports for charters and excursions to be filed by May 1, while the regulatory fees remain due on December 31.

DISCUSSION

- 6 WAC 480-30-071 requires charter and excursion carriers to file annual reports by May 1 of each year. Companies are responsible for being aware of applicable Commission rules and complying with their legal obligations. Accordingly, the Company should have been aware of the need to file an annual report by May 1, particularly when the Commission sent forms and a reminder on February 28.
- 7 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance, whether the violation was promptly corrected, and the likelihood the violation will recur.¹ This is Apex Limo Service's first violation of WAC 480-30-071. The Company has since filed its annual report and paid its regulatory and late payment fees. Because we have granted mitigation to similarly situated companies in their first year of operation, the Commission will exercise its discretion to reduce the penalty to \$200.

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

ORDER

THE COMMISSION ORDERS:

- 8 (1) The request of Apex Limo Service LLC for mitigation of the \$1,000 penalty is
GRANTED in part, and the penalty is reduced to \$200.
- 9 (2) The penalty is due and payable no later than August 15, 2014.
- 10 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 1, 2014.

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. The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.