



Bob Ferguson

## ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

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August 13, 2014

Steven V. King, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, Washington 98504-7250

RE: *In the Matter of the Penalty Assessment against Ephrata Senior Center, Inc., in the amount of \$1,000*  
Docket TN-141040

Dear Mr. King:

Enclosed for filing in the above-referenced docket are the original and one copy of a Response to Request to Cancel Hearing and Request for Mitigation of the Penalty, on behalf of Commission Staff, and Certificate of Service.

Sincerely,

MICHAEL A. FASSIO  
Assistant Attorney General

MAF/emd  
Enclosures

cc: Ephrata Senior Center, Inc. w/enc.

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Penalty Assessment  
Against

EPHRATA SENIOR CENTER, INC.

In the Amount of \$1,000.

DOCKET TN-141040

COMMISSION STAFF'S  
RESPONSE TO REQUEST TO  
CANCEL HEARING AND  
REQUEST FOR MITIGATION OF  
THE PENALTY

**I. INTRODUCTION**

1 On May 23, 2014, the Washington Utilities and Transportation Commission  
(Commission) issued a \$1,000 Penalty Assessment against Ephrata Senior Center, Inc.  
(Senior Center or Company) in the above-referenced docket for ten violations of WAC 480-  
31-080, which requires that nonprofit special needs transportation providers furnish annual  
reports to the Commission no later than May 1 each year.<sup>1</sup> On June 5, 2014, the Senior  
Center filed a request for hearing and a letter, admitting the violations and requesting  
mitigation of the penalty.

2 On July 28, 2014, the Commission set the matter for hearing. On August 11, 2014,  
the Senior Center filed a request to cancel the hearing and a request that the Commission  
consider its June 5, 2014, letter as the Company's support for its request for mitigation.  
Commission Staff supports the Senior Center's request to cancel the hearing and to treat its  
June 5, 2014, letter as a request for mitigation to be decided on a paper record. Commission  
Staff's Response to the request for mitigation is as follows:

**II. RESPONSE**

3 It is a company's responsibility to ensure that the regulatory fee is paid and an annual  
report is filed by the May 1, deadline. On February 28, 2014, the Commission mailed 2013

<sup>1</sup> The penalty assessment's reference to WAC 480-30-080 was an apparent typographical error.


annual report forms and 2014 regulatory fee packets to all nonprofit special needs transportation provider companies in Washington, including the Senior Center. The packet included instructions informing the Senior Center that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2014, to avoid enforcement action. The Senior Center did not submit a request for extension.

4 On June 5, 2014, the Senior Center filed the 2013 annual report and the required regulatory fees and late payment penalty. Commission records indicate that the Senior Center has held a permit since 1995. The Senior Center was previously issued a penalty assessment in Docket TN-130907 for failing to timely file its 2012 annual report; this was its only other recorded violation of WAC 480-31-080. While the Senior Center has a prior violation, its primary purpose is to provide a valuable service to a vulnerable population. The imposition of the full penalty would only harm the people it serves. Due to the purpose and size of the Company, Commission Staff supports the Senior Center's request for mitigation. Commission Staff recommends a reduced penalty of \$25 per day, for a total assessed penalty of \$250, with the understanding that future violations may not receive such consideration.

DATED this 13th day of August, 2014.

Respectfully submitted,

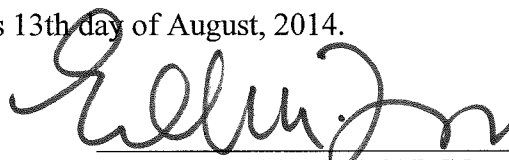
ROBERT W. FERGUSON  
Attorney General

  
MICHAEL A. FASSIO  
Assistant Attorney General  
Counsel for Washington Utilities and  
Transportation Commission Staff

Docket TN-141040  
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached Response to Request for Mitigation upon the persons and entities listed on the Service List below by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

DATED at Olympia, Washington this 13th day of August, 2014.



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ELIZABETH M. DeMARCO

***Respondent:***

Ephrata Senior Center, Inc.  
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124 C St. NW  
Ephrata, WA 98823  
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E-mail: