

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty	)	DOCKET TE-141066
Assessment Against	)	
	)	ORDER 01
LADY IN A LIMO	)	
	)	INITIAL ORDER GRANTING
	)	MITIGATION
In the Amount of \$1,000	)	
.....	)	

1 **Background.** 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 **Procedural History.** Lady in a Limo (Lady in a Limo or Company) did not file its annual report on May 1, 2014, and had not made that filing by May 15. On May 27, the Commission issued a penalty assessment against Lady in a Limo in the amount of \$1,000, calculated as \$100 per business day from May 1 to May 15.

3 On June 3, 2014, Lady in a Limo filed its 2013 annual report. On June 4, the Company filed with the Commission a request for hearing stating that it did not receive the annual report packet mailed February 28, 2014, because it was sent to the Company’s prior address. The Company stated it had been working with Commission Staff (Staff) to change its name to “Tux Limo,” and had reported its new address to Licensing Services Staff, who had not mentioned the violations.

4 **Hearing.** Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determined that a brief adjudicative proceeding was appropriate for determining

whether the penalty should be mitigated and what actions might be necessary to ensure that Lady in a Limo complies with its regulatory obligations. On July 28, 2014, the Commission issued a Notice of Brief Adjudicative Proceeding and set August 26, 2014, at 9:30 a.m. as the time for the parties to make oral statements concerning their positions.

5 **Evidence.** At hearing, the Company's owner, William Prigmore, explained that he was in the process of securing Commission approval for a name change and had filed an address change with the Commission's Licensing Services section prior to May 1.

6 Mr. Prigmore testified that he did not receive the Commission's letter of February 28, 2014, which included the annual safety report form, because it was sent to his previous address.

7 Mr. Prigmore further testified that when he received an email from Commission Staff notifying him of the delinquency, he promptly submitted his annual report. Mr. Prigmore also stated that he will file timely going forward because now he clearly understands the requirements.

8 Staff testified in support of reducing the penalty to \$200 because this is Lady in a Limo's first violation of WAC 480-30-071. Staff also noted that the Commission recently adopted rules that changed the annual report due date for all charter and excursion companies from December 31 to May 1.

9 **Decision.** The Commission finds mitigation to be appropriate in this case. Mr. Prigmore took responsibility for his company's late filing and provided assurances of future compliance.

10 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.<sup>1</sup> Although this is Lady in a Limo's first violation of WAC 480-30-71, Mr. Prigmore previously held charter and excursion authority under the company name "Driver for Hire." Driver for Hire

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

was assessed and paid a \$100 penalty for a late-filed annual report in 2010. The Company did, however, promptly cure the violations at issue here after receiving notification of the delinquency. Additionally, similarly situated companies with past violations have been granted mitigation due to the recent adoption of new rules that changed the filing deadline. Finally, we are satisfied with Mr. Prigmore's representations that he will comply with Commission requirements going forward, and that a penalty of \$200 – twice the amount assessed in 2010 – provides sufficient incentive for him to do so.

- 11 The penalty assessed against Lady in a Limo is therefore recalculated at a rate of \$20 per day for the 10 business days the company was late in filing its annual report. This results in a revised penalty in the amount of \$200.

**ORDER**

**THE COMMISSION ORDERS:**

- 12 (1) The \$1,000 penalty assessed against Lady in a Limo is mitigated to \$200.
- 13 (2) The penalty is due and payable no later than September 16, 2014.

DATED at Olympia, Washington, and effective September 2, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge

## NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and **one** copy of any Petition or Answer must be filed by mail delivery to:

Attn: Steven V. King, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250