

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against  PRESIDENTIAL TRANSPORTATION, LLC  in the amount of \$1,000	DOCKET TE-160724  ORDER 01  ORDER GRANTING MITIGATION TO \$250
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**BACKGROUND**

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by Monday, May 2, 2016, 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 Presidential Transportation, LLC (Presidential or Company) did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 22, the Commission assessed a penalty of \$1,000 against Presidential, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 6, 2016, Presidential responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. In its response, the Company states, "I failed to submit my annual report on time this year normally it was due January 31<sup>st</sup> and recently was changed to May 1<sup>st</sup>. The documents I received were completed but not submitted and I apologize for the error." The Company requested the Commission waive the penalty and provided assurances of future compliance. On July 11, the Company filed its annual report.
- 4 On July 21, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company has no prior violations of WAC 480-30-071.

**DISCUSSION**

- 5 WAC 480-30-071 requires charter and excursion carriers to file annual reports by May 1 of each year, or the first business day thereafter. Companies are responsible for complying with their legal obligations, and the Company should have ensured its report was timely filed.
- 6 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected, a company's history of compliance, and the likelihood the violation will recur.<sup>1</sup> Here, Presidential has corrected the violation by filing its annual report and paying its regulatory fee. In addition, this is the Company's first violation of WAC 480-30-071 since it became regulated in 2013. Although the Company has a relatively brief history of compliance, we have routinely granted mitigation for first-time violations. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

**ORDER**

THE COMMISSION ORDERS:

- 7 (1) Presidential Transportation, LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The \$250 penalty is due and payable no later than August 24, 2016.
- 9 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 10, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

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

**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.