

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TN-141040
Against)	
)	ORDER 01
EPHRATA SENIOR CENTER, INC.)	
)	ORDER GRANTING
in the amount of \$1,000)	MITIGATION TO \$250
.....)	

BACKGROUND

- 1 Washington law requires private, nonprofit transportation providers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-31-080. On February 28, 2014, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all regulated private, nonprofit transportation providers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees 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 Ephrata Senior Center 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 Ephrata Senior Center, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 5, 2014, Ephrata Senior Center responded to the Commission’s penalty assessment and requested a hearing. The Company included a letter admitting the violations and requesting mitigation of the penalty. On July 28, the Commission set the matter for hearing.
- 4 On August 11, 2014, Ephrata Senior Center filed a request to cancel the hearing and asked the Commission to consider its June 5 letter as the Company’s support for its request for mitigation. In its letter, Ephrata Senior Center explained that it is largely staffed by volunteers and its bookkeeper, who works less than 12 hours per month, overlooked filing the annual report because she frequently runs out of time.

- 5 On June 5, 2014, Ephrata Senior Center filed its annual report and paid its regulatory and late payment fees.
- 6 On August 13, 2014, Commission Staff (Staff) filed a response recommending the Commission reduce the penalty to \$25 per day, or \$250. Staff noted that the Company has been active since 1995; the Company received and paid a reduced penalty for violations of WAC 480-31-080 in 2012. Staff supports leniency for the Company despite past violations because it provides a valuable service to a vulnerable population, and imposition of the full penalty would only harm the people it serves. Due to the Company's previous violations, however, Staff cautioned that future violations will likely be ineligible for mitigation.

DISCUSSION

- 7 WAC 480-31-080 requires private, nonprofit transportation providers to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations. The Company should have been aware of the need to file an annual report and planned accordingly, particularly given the Commission's reminders.
- 8 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, the likelihood the violation will recur, and a Company's annual intrastate revenue. Here, the Company was cited for violations of WAC 480-31-080 and assessed a \$150 penalty in 2012. The Company has no other violations of Commission rules in nearly 20 years of operation. Additionally, the Company has since filed its annual report and paid its regulatory and late fees. Finally, the Company is a non-profit organization with limited funding; imposition of the full penalty would only harm the seniors it serves. In light of these factors, we believe a reduced penalty, which is still greater than the previous penalty, is appropriate. The Commission will therefore exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request of Ephrata Senior Center, Inc. for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 10 (2) The penalty is due and payable no later than September 2, 2014.
- 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 August 20, 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.