

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

AMY'S LIMOUSINE SERVICE, LLC

in the amount of \$1,000

DOCKET TE-160677

ORDER 01

ORDER DENYING MITIGATION

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 Amy's Limousine Service, LLC (Amy's Limousine or Company) did not file an annual report on May 2, 2016, and had not made that filing by May 16. On June 20, the Commission assessed a penalty of \$1,000 against Amy's Limousine, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 19, 2016, Amy's Limousine responded to the Commission's penalty assessment, admitting the violations and requesting mitigation. In its response, the Company states, "... Filed a biennial report online 2/26/2016. Inspection/Audit 4/4/2016 – Onsite, passed satisfactory. Address not changed per 2014 annual report requested. Notice received 7/7/2016."
- 4 On July 20, 2016, Amy's Limousine filed a complete annual report and paid the required regulatory fee.
- 5 On July 27, 2016, Commission staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation because Amy's Limousine received and paid a \$1,000 penalty for violations of WAC 480-30-071 in 2015.

DISCUSSION

6 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.

7 We agree with Staff that mitigation of the penalty is not appropriate. 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.¹ Ultimately, the Commission's goal is gain compliance going forward. Here, the Company received and paid a \$1,000 penalty for violations of WAC 480-30-071 in 2015. Moreover, the Company has not presented any new or compelling information that would warrant a penalty reduction. Accordingly, we find the \$1,000 penalty to be an appropriate incentive for the Company to ensure timely filings going forward.

ORDER

THE COMMISSION ORDERS:

8 (1) Amy's Limousine Service, LLC's request for mitigation of the \$1,000 penalty is DENIED.

9 (2) The \$1,000 penalty is due and payable no later than August 26, 2016.

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 12, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

¹ 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.