

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Annual Reports to be Filed by Auto Transportation Companies under WAC 480-30-071(1) and Regulatory Fees to be Paid under WAC 480-30-076(1) and Mileage fees paid under RCW 81.24.100 by May 1 of Each Year

DOCKET TC-200318

ORDER 01

GRANTING EXEMPTION FROM RULES; EXTENDING ANNUAL REPORT FILING AND REGULATORY FEE PAYMENT DEADLINE TO SEPTEMBER 1, 2020

BACKGROUND

- 1 Revised Code of Washington (RCW) 81.04.080 provides that regulated public service companies must file annual reports with the Washington Utilities and Transportation Commission (Commission) on a date the Commission specifies by rule, unless additional time is granted by the Commission. Washington Administrative Code (WAC) 480-30-071(1) requires regulated auto transportation companies to file an annual report showing an end-of-the-year summary of financial and operating activity by May 1 of each succeeding year. Similarly, WAC 480-30-076(1) requires auto transportation companies to pay regulatory fees by May 1 of each year. Finally, RCW 81.24.100 provides that the Commission is authorized to collect mileage fees on behalf of the Department of Transportation. WAC 480-30-076(1) requires that mileage fees must be received by May 1 each year.
- 2 WAC 480-07-110(1) provides that the Commission, on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 3 On February 29, 2020, Governor Inslee issued Proclamation 20-05, which declared a state of emergency in all counties in the state of Washington due to the worldwide outbreak of COVID-19. On March 23, 2020, the Governor issued Proclamation 20-25, “Stay Home – Stay Healthy,” which prohibits all people in the state of Washington from leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services.

- 4 Due to the COVID-19 outbreak, auto transportation companies have experienced a significant decrease in ridership, which further declined following the Governor's Proclamation restricting travel.
- 5 Commission staff (Staff) recommends the Commission, on its own initiative, grant a 120-day, industry-wide exemption from the annual reporting and regulatory fee requirements in WAC 480-30, which would extend the filing and payment deadline for auto transportation companies until September 1, 2020.

DISCUSSION

- 6 We agree with Staff's recommendation. The COVID-19 pandemic and the Governor's Proclamations have severely limited travel, thus creating rapidly changing economic conditions for regulated auto transportation companies. In light of these adverse, unforeseen circumstances, the Commission, on its own initiative, finds that it is consistent with the public interest to grant a 90-day, industry-wide exemption from WACs 480-30-071 and 480-30-076, which require regulated auto transportation companies to file annual reports and pay regulatory fees by May 1 of each year, respectively.
- 7 We also find that the exemption is consistent with the purposes underlying regulation and applicable statutes. WAC 480-30-071(1)(c) provides that the Commission may grant an extension of time for filing an annual report after the May 1 due date if the Commission receives a request for extension before May 1. The rule contains no "good cause" requirement, suggesting only that notice must be provided. Here, however, good cause exists. As such, granting an industry-wide exemption rather than requiring each auto transportation company to submit individual requests for extensions is a more efficient use of Commission resources that proactively addresses the economic impacts of the current public health crisis on the passenger transportation industry as a whole. Moreover, granting the extension will provide relief to regulated auto transportation companies without impeding the Commission's regulatory functions, including its ability to regulate in the public interest. We therefore find that granting the exemption is consistent with the purposes underlying regulation and applicable statutes, and is in the public interest.
- 8 Accordingly, all regulated auto transportation companies are granted a 120-day extension until September 1, 2020, to file their annual reports and pay their regulatory fees.

FINDINGS AND CONCLUSIONS

- 9 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts and affiliated interests of public service companies, including auto transportation companies.
- 10 (2) WAC 480-30-071(1) requires regulated auto transportation companies to file an annual report for the preceding year by May 1 of each succeeding year.
- 11 (3) WAC 480-30-076(1) requires auto transportation companies to pay regulatory fees and mileage fees by May 1 of each year.
- 12 (4) WAC 480-07-110(1) provides that the Commission, on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 13 (6) The COVID-19 pandemic and the Governor's Proclamations have severely limited travel, thus creating rapidly changing economic conditions for regulated auto transportation companies.
- 14 (7) Providing an industry-wide, 120-day extension from WACs 480-30-071 and 480-30-076 is consistent with the public interest, the purposes underlying regulation, and applicable statutes in light of the COVID-19 pandemic and its economic impact on regulated auto transportation companies. Granting the exemption will provided relief to auto transportation companies without impeding the Commission's regulatory functions.
- 15 (8) This matter came before the Commission at its regularly scheduled meeting on April 23, 2020.
- 16 (9) The Commission should grant all regulated auto transportation companies an extension to file annual reports and pay regulatory fees until September 1, 2020.

ORDER

THE COMMISSION ORDERS:

- 17 (1) The Commission, on its own initiative, grants an exemption from WAC 480-30-

071(1) and WAC 480-30-076(1) to all regulated auto transportation companies.

- 18 (2) All regulated auto transportation companies are granted an extension until
September 1, 2020, to file their annual reports and pay their regulatory and
mileage fees.
- 19 (3) The Commission retains jurisdiction over the subject matter and all regulated auto
transportation companies to effectuate the provisions of this Order.

20 The Commissioners, having determined this Order to be consistent with the public
interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective April 23, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary