

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Annual Reports to be
Filed by Private, Nonprofit
Transportation Companies under WAC
480-31-080(2) and Regulatory Fees to be
Paid under WAC 480-31-080(1) by May
1 of Each Year

DOCKET TN-200320

ORDER 01

GRANTING EXEMPTION FROM
RULES; EXTENDING ANNUAL
REPORT FILING AND
REGULATORY FEE PAYMENT
DEADLINE TO AUGUST 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) 480-31-080(2) requires regulated private, nonprofit transportation companies to file an annual report showing an end-of-the-year summary of information by May 1 of each succeeding year. Similarly, WAC 480-31-080(1) requires private, nonprofit transportation companies to pay a minimum of \$10 per vehicle by May 1 of each year. The fee is established by Commission order.
- 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, private, nonprofit 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
90-day, industry-wide exemption from the annual reporting and regulatory fee
requirements in WAC 480-31, which would extend the filing and payment deadline for
private, nonprofit transportation companies until August 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 private, nonprofit 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 WAC
480-31-080, which require regulated private, nonprofit transportation companies to file
annual reports and pay regulatory fees by May 1 of each year, respectively.

7 Although Commission rules do not permit private, nonprofit transportation companies to
request an extension of time for filing an annual report or paying regulatory fees, WAC
480-07-110 nevertheless authorizes the Commission to grant an exemption from any of
its rules if doing so is consistent with the purposes underlying regulation, applicable
statutes, and the public interest. Here, good cause exists to grant an industry-wide
exemption that proactively addresses the economic impacts of the current public health
crisis on the passenger transportation industry as a whole. Granting the extension will
provide relief to regulated private, nonprofit 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, applicable statutes, and is in the public interest.

8 Accordingly, all regulated private, nonprofit transportation companies are granted a 90-
day extension until August 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 private, nonprofit
transportation companies.

- 10 (2) WAC 480-31-080(2) requires regulated private, nonprofit transportation companies to file an annual report for the preceding year by May 1 of each succeeding year.
- 11 (3) WAC 480-31-080(1) requires private, nonprofit transportation companies to pay a minimum of 10 dollars for a single vehicle by May 1 of each year. This fee is established by Commission order.
- 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 (5) 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 (6) Providing an industry-wide, 90-day extension from WAC 480-31-080 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 private, nonprofit transportation companies. Granting the exemption will provided relief to private, nonprofit transportation companies without impeding the Commission's regulatory functions.
- 15 (7) This matter came before the Commission at its regularly scheduled meeting on April 23, 2020.
- 16 (8) The Commission should grant all regulated private, nonprofit transportation companies an extension to file annual reports and pay regulatory fees until August 1, 2020.

ORDER

THE COMMISSION ORDERS:

- 17 (1) The Commission, on its own initiative, grants an exemption from WAC 480-31-080(2) and WAC 480-31-080(1) to all regulated private, nonprofit transportation companies.

- 18 (2) All regulated private, nonprofit transportation companies are granted an extension until August 1, 2020, to file their annual reports and pay their regulatory fees.
- 19 (3) The Commission retains jurisdiction over the subject matter and all regulated private, nonprofit 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