



June 28, 2016

Subject: Penalty Assessment: TE-160681

Washington Utilities and Transportation Commission (WUTC)
PO Box 47250
Olympia, WA 98504-7250

Dear Sir:

I am requesting a review and reconsideration of the \$1,000.00 fine titled Penalty Assessment ATS Trans LLC received on June 20, 2016. I am submitting an application for Mitigation (attached). While I am not admitting violation of any rules, I am going to present the following information that will be a basis for not being penalized.

1. The Annual Report and payment was submitted and accepted by the WUTC in the timely manner as required. Both the Annual Report and required payment to the WUTC by May 2, 2016 as required. Documentation by both the WUTC and ATS Trans LLC clearly document that the required information was submitted as required. It does not state that the document cannot have an error when submitted. The annual report is a critical aspect of preparing the billing document to coincide with the Annual Report. The report was prepared and submitted on line to the WUTC on May 2nd, 2016, while it was incomplete the report was submitted and was accepted by the WUTC and it is documented that payment was received and the check was cashed, by bank records. At no point was the report identified as not complete.
2. It is reported by the WUTC that on May 3rd, 2016 a staff person attempted to contact me (Steven Hutchins) via a phone call indicating that the Annual Report was not complete as the accident record was not included on the report. I am contending that one phone call that may or may not have been sent to my extension is the only notification I was issued, stating that the report was not complete, however when I submitted payment the employee was able to see that I had submitted the report (I assume it was on line), when she accepted and processed payment via my credit card, I was led to believe all was correct. I contend that I never received such a phone call as I do not have a record of this phone call and it is quite possible that the voice mail was sent to another employee, who may have erased the phone message, as it had nothing to do with his/her job. It is difficult to know if I was notified that the Annual Report was not properly completed. If I was not properly informed that data was incorrect or lacking I had no knowledge the data was not received, yet the data was readily available from the hand written draft report that is maintained in my WUTC 2016 working file and was the basis for preparing the Billing Report that was submitted to the WUTC. I would also contend that a single phone call was not a satisfactory method to inform me that the Annual Report was not complete and that if it was date sensitive it was not established in a phone call I have no record of. My personality is that of a good citizen, and the fear of

getting penalized would have resulted in immediate action. I would have responded within minutes after I was informed. I am proud of my performance and this is bruise on my character.

3. When I look at the report submitted to the WUTC, I see the section Recordable Accidents actually shows the two vehicles were in zero recorded accidents for the 65,000 intrastate miles these two vehicles operated. We did not perform any interstate trips and thus it was left blank, instructions do not indicate a method to record trips you never performed. The data was complete; I now contend that the report was submitted in a timely manner as required. I have included with is document a photo copy of the report received by the WUTC, indicating the response to the report on Recorded Accidents.
4. ATS Trans LLC has shown no history of other indiscretions either late payments, or non-submittal of data the entire time ATS Trans LLC has been a provider under the authority of the WUTC. At no point has insurance lapsed by even one day nor has ATS received any deficiencies from the bi-annual vehicle inspection. I am sure I am in full compliance and I have been proud of this record.

We are an honest company with the desire to be fully compliant at all times. The history of ATS and our proven level of performance and responsiveness should be the basis of not fining ATS Trans LLC. To fine us for an indiscretion that the WUTC could have quickly resolved by properly reading the report and properly contacting us during the review process and further reaching out in a manner that documents the attempt(s) to obtain the correct interpretation of the report, by following accepted methods of communication, basically using emails, especially since the report was submitted electronically, would have quickly resolved the issue.

WUTC staff, have the feeling that it is the submitters responsibility to submit an accurate report, while I agree, I also believe the WUTC had the responsibility to inform the submitter of a lapse, making one phone call was not enough effort by the WUTC to ensure the submitter knew an issue existed. I also contend that failure to not use email which would clearly document the attempt by the WUTC to inform the submitter of the incomplete report and thus making one attempt to reach the submitter more acceptable while providing a complete audit trail and a better method to reach out to a regulated company. I also believe "mistakes happen" and depending on the mistake and the intent of the submitter the proper discipline may not be a huge fine but a simple letter stating a greater attention to detail would more than result in the desired outcome of the WUTC.

In closing I would like to inform the WUTC, upon returning to the office on June 27th, I resubmitted the annual report electronically, I resubmitted a faxed copy of the annual report and I have receipts that the WUTC accepted the reports. I also inquired with my bank into the payments to the WUTC to see if for some reason they were not accepted or cashed. Needless to say they were accepted by the WUTC thus giving me the reason to believe all is in order.

My preferred phone number is 253 470-2291 (personal cell) my email address is hutch@around-the-sound.net, I would welcome the opportunity to work with you to correct any actions or practices that need to be enacted now or in the future.

Sincerely:

Steve Hutchins
President/CEO
ATS Trans LLC
Around the Sound
President/CEO

WUTC ATS Trans LLC TE-160681

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-160681

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. **Payment of penalty.** I admit that the violations occurred. I have:

Enclosed \$ _____ in payment of the penalty

Submitted my payment of \$ _____ online at www.utc.wa.gov.
My confirmation number is _____.

2. **Request for a hearing.** I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR

b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: 6/28/2016 [month/day/year], at TACOMA, WA [city, state]

STEVEN HUTCHINS
Name of Respondent (company) – please print

Stu Hutchins
Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

2015

**CHARTER & EXCURSION CARRIERS
2015
ANNUAL REPORT**

FOR

ATS Trans LLC Around the Sound

(NAME UNDER WHICH CORPORATION, PARTNERSHIP, OR INDIVIDUAL IS DOING BUSINESS)

2220 South Tacoma Way

(OFFICIAL MAILING ADDRESS)

Tacoma

WA

WA

98409

(CITY)

(STATE)

(ZIP)

Please check if address listed above is an updated address

Report Year Ended: December 31, 2015

Inquiries concerning this Annual Report should be addressed to:

Name/Title: Steve Hutchins
Address: 2220 South Tacoma Way
City: Tacoma
State/Zip: WA, 98409
Telephone: 253 476-8726
Email: hutch@around-the-sound.net

SUBMIT TO:
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PO Box 47250
Olympia, WA 98504-7250

File online: www.utc.wa.gov

ORIGINAL

WASHINGTON



UTILITIES AND TRANSPORTATION
COMMISSION

REPORT MUST BE RECEIVED NO LATER THAN MAY 2, 2016

Please refer to the Instructions for Completing the Annual Report on Page 2

712072

ANNUAL REPORT CERTIFICATION

(PLEASE VERIFY THAT ALL SCHEDULES ARE ACCURATE AND COMPLETE BEFORE SIGNING)

I, the undersigned Steven Hutchins
Responsible Account Officer (Please Print)

of ATS Trans LLC Around-the-Sound
Name of Company

have examined the foregoing report; that, to the best of my knowledge and belief, all statement of fact contained in said report are true and said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from January 1, 2015, to December 31, 2015, inclusive.

President/CEO
Title
(please print)

Steve Hutchins
Signature
(please type if filing electronically)

253 476-8726
Telephone Number

5/2/16
Date

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GENERAL INFORMATION

Washington Unified Business Identifier (UBI) No.: 602-672-260
(If you do not know your UBI No. please contact Business Licensing Service at 1-800-451-7985 or BLS@dor.wa.gov)

Business Structure (please check the appropriate designation):

Individual / Sole Proprietor Partnership Other (LP, LLP, LLC) Corporation Nonprofit Corporation

List the name, title, and percentage of partner's share or stock distribution for major stockholders. If LLC, list members and percentage of ownership.

Name	Title	Percent / Shares / Stock / Ownership
Steven Hutchins	President/CEO	50%
Dianne Hutchins	Vice President/Treasurer	50%

SCHEDULE 1

(complete all information for the year 2015)

Staff Contact Information

Safety Director Name: Bianca Moya-Wienegar Phone: 253 476-8726

Customer Service Contact Name: Tracy Smith Phone: 253 858-7088

Recordable Intrastate and Interstate Accidents

Recordable Accidents	Intrastate	Interstate
A fatality	0	
An injury to a person requiring immediate treatment away from the scene of the accident	0	
Disabling damage to a vehicle, requiring it to be towed from the accident scene	0	
Total Recordable Accidents		

Mileage Information

Total Operating Miles	Intrastate	Interstate
<i>Intrastate: Trips that operate exclusive within WA</i> <i>Interstate: Trips that operate outside of WA</i>	65000	

General Operations

Did you provide charter bus operations for any Washington School Districts during 2015? Yes No

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REGULATORY FEE CALCULATION SCHEDULE

Due May 2, 2016

Company Name:

ATS Trans LLC Around the Sound

Annual Report Year
2015

In accordance with RCW 81.24.020 and 81.70.350 "Regulatory Fees", the Commission requires auto transportation companies and charter and excursion carriers to file reports of gross intrstate revenue and number of vehicles operated and pay fees on that revenue and sum of vehicles operated respectively. Every company subject to regulation shall file with the Commission a statement under oath and pay to the commission fees as instructed below.

Regulatory Fee Calculation - Charter Authority

1 Total number of vehicles used for intrastate charter & excursion operations for operating year

2 Regulatory Fee for Operated Vehicles

2 x \$25.00 = \$50.00

Agency Use Only 001-111-0268-232-01

Penalty & Interest Calculations

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3 Penalty on regulatory fees paid after May 2

19 Enter amount from Line 17 x 2%

 X 0.02 = \$0.00

20 Interest on regulatory fees paid after May 2

21 Amount from Line 17 x number of months past May x 1%

 X X 0.01 = \$0.00

22 Total penalties and interest due (add lines 19 and 21)

\$0.00

Agency Use Only 001-111-0268-232-11

COMMISSION USE ONLY

Reception #: _____

Reference: AR2015

Payment ID: _____

001-111-0268-232-01 _____

001-111-0268-232-11 _____

001-111-0268-032-20 _____

001R-111-0268-032-20 (_____)

Total Paid: _____

PAYMENT INFORMATION

The commission accepts the following methods of payment:

- Cash (in-person at commission)
- Check (must be in US Funds)
- Online payments* (ACH, American Express, Discover/Novus, Mastercard, Visa)
- Pay-by-phone (credit card payments only) at (360) 664-1349

**Please note: A convenience fee of 2.5 percent (minimum of \$3.95) is charged by Official Payments for using the credit card processing service.*

To pay online visit:

<https://fortress.wa.gov/wutc/utcweb/regulatedIndustries/Pages/onlinepayments.asx>

FILING YOUR REPORT

All annual reports and regulatory fees must be received by the commission no later than May 1 each year (or the following business day if May 1 lands on a weekend). Postmark dates are not considered the date received. It is strongly recommended to use a mail delivery service, such as certified mail via USPS, with delivery confirmation or filing online to receive an email notification of receipt.

Reports may be mailed, faxed, delivered in person or submitted online:

- Mail to: *(recommend via certified mail no later than April 15 to ensure timely delivery)*
Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504
- Physical Address for express delivery services (Fedex, UPS):
1300 S. Evergreen Park Dr. S.W.
Olympia, WA 98504
- Fax to: (360) 664-1289 *(Contact commission staff below to verify receipt)*
- File online using the commission e-file system: *(System will generate automatic email receipt)*
<https://fortress.wa.gov/wutc/utcweb/docs/Pages/ElectronicFiling.asp>

NEED MORE ASSISTANCE?

For more information about annual reports please reference the Annual Report FAQ document at the website below or contact Amber George at (360) 664-1156 or ageorge@utc.wa.gov.

INSTRUCTIONS FOR ANNUAL REPORT COMPLETION

Commission Authority

The purpose of this form is to collect financial and operational information from auto transportation and charter companies regulated by the Washington Utilities and Transportation Commission (UTC). The commission's authority for requiring this report is found in RCW 81.04.080. This report is a non-confidential public use form.

Certification

The Annual Report Certification must be signed by an authorized officer, partner or owner.

Regulatory Fees

Regulatory fees are set by commission order A-140166.

Deadlines and Penalties

All charter & excursion companies regulated by the UTC are required to complete this form, including all schedules. Failure to complete all schedules will result in the report being considered incomplete and subject to penalties. Completed forms and regulatory fee payments must be received by the UTC no later than **May 2, 2016**. Failure to file the annual report by the above deadline will result in a financial penalty of \$100 for each business day after May 2. Failure to pay the regulatory fees by the above deadline will result in a 2 percent penalty on the amount due and a 1 percent monthly interest charge on the unpaid balance.

Extension Requests

You may file a written request for an extension to file the completed annual report; however, the commission not extend the deadline for paying regulatory fees. Any extension request must be filed with the commission **April 15, 2016**, and must state a valid reason for why the extension is needed and identify a specific date when the report will be filed with the commission. The commission will notify you by April 30 whether your request is approved or denied. Even if your request is approved, you will still be liable for penalties and interest payment if you fail to pay your regulatory fees by May 2. To file your extension request online visit:

<http://www.utc.wa.gov/docs/Pages/ElectronicFiling.aspx>

No longer operating in Washington

You may cancel your registration or permit by using the Voluntary Cancellation Form available at:

<http://www.utc.wa.gov/regulatingindustries/transportation/charterBuses/Pages/default.aspx>

However, if your company operated in Washington at any time during the 2015 calendar year, you must pay regulatory fees and file a closing annual report based on the months of operation during 2015.

Confidential Status

Charter and excursion companies are not permitted to file annual report documents as confidential. If a company regulated under RCW Title 81 submits its annual report or fee sheet as confidential, the commission will reject that submission and will not consider the report to be filed until the date the company submits the report and all required documents and information without any designation of confidentiality. If the date is after May 2, the company will be subject to the penalties described above. The commission will not disclose credit card information, if included, on the Payment Information Page or via online filing.

Electronic Filing and Payment

To obtain an electronic format of the report, submit a report online or pay your regulatory fees online visit:

www.utc.wa.gov/regulatingindustries/pages/annualreports

Staff Contact

Amber George at (360) 664-1156 or ageorge@utc.wa.gov