



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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June 29, 2015

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Wickkiser International Companies, Inc.*

Commission Staff's Response to Application for Mitigation of Penalties TE-151056

Dear Mr. King:

On June 10, 2015, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-151056 against Wickkiser International Companies, Inc. for 10 violations of Washington Administrative Code (WAC 480-30-071), which requires charter and excursion carriers to furnish annual reports to the commission no later than May 1 each year.

On June 16, 2015, Wickkiser International Companies, Inc. wrote the commission requesting mitigation of penalties. In its mitigation request, Wickkiser International Companies, Inc. disputes the violation occurred. The company states, "On the 5th of May, Katy Hancock from the UTC called and left a voice mail for me saying that I filed an incomplete report. The first error on schedule one, was that I did not write "0" in the blank for interstate miles, I left it blank. My blank meant no miles. She concluded that our conversation about the blank meaning no miles was ok and that I needed to email her the revised vehicle list to include only Charter vehicles. Immediately following our conversation I emailed Ms. Hancock the list. The time stamp on my email is 3:48pm. My conversation with Ms. Hancock cleared up all issues on the annual report. She did not require any further action". The company's request did not select a response option but stated, "If the UTC is able remove the violation after reading this letter, I don't need to request a hearing. However if the UTC continues with the violation I request a hearing with an administrative law judge".

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 27, 2015, Annual Report packets were mailed to all regulated charter and excursion carriers. The instructions for annual report completion page of

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the annual report informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2015, to avoid enforcement action.

On May 1, 2015, Wickkiser International Companies, Inc. filed an incomplete 2014 annual report and paid the required regulatory fees. Commission staff did not receive an email from the company dated May 5, 2015 as stated in the company's mitigation request and the company did not submit proof of that communication. Nevertheless, the commission may accept the company's notification the missing mileage information was zero per the mitigation request and consider the 2014 annual report as complete.

Staff supports the company's request for mitigation as this is the company's first delinquent filing and no prior violations of WAC 480-30-071 are on commission record. Staff recommends the penalty be waived as the missing mileage information was zero and previous annual reports had been accepted with blank mileage reported. Future reporting must provide responses to each field contained within the annual report or it will be considered incomplete and subject to enforcement action.

If you have any questions regarding this recommendation, please contact Amy Andrews, Regulatory Analyst, at (360) 664-1157, or aandrews@utc.wa.gov.

Sincerely,



Sondra Walsh, Director
Administrative Services