



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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July 25, 2016

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. Lower Columbia Community Action Council, Inc.*

Commission Staff's Response to Application for Mitigation of Penalties TN-160663

Dear Mr. King:

On June 17, 2016, the Utilities and Transportation Commission issued a \$900 Penalty Assessment in Docket TN-160663 against Lower Columbia Community Action Council, Inc. for nine violations of Washington Administrative Code (WAC 480-30-080), which requires nonprofit special needs transportation companies to furnish annual reports and the regulatory fee to the commission no later than May 1 each year, or in this case, May 2 as May 1 was a Sunday.

On July 8, 2016, Lower Columbia Community Action Council, Inc. wrote the commission requesting mitigation of penalties. In its mitigation request, Lower Columbia Community Action Council, Inc. does not dispute the violation occurred. The company states, "...the 2015 annual report and 2016 regulatory fees were filed late due to an oversight by our Transportation Department Manager. The Department Manager has been dealing with some significant health problems that have taken him away from the office for periods of time, and unfortunately the request forms were set aside and not picked up to complete until they were already past due. Lower Columbia CAP has never been late and we request that our past compliance be taken into consideration in reducing the \$900 penalty."

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 29, 2016, Annual Report packets were mailed to all regulated nonprofit transportation companies. The instructions page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

UTC Annual Reports
July 25, 2016
Page 2

On May 13, 2016 Lower Columbia Community Action Council, Inc. provided the complete annual report. Lower Columbia Community Action Council, Inc. has not had any previous violations of WAC 480-30-080 in its history with the commission. In consideration of their previous filing compliance, an employee's health issue, and the type of work that the company does, staff recommends the penalty be waived and the docket closed.

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

Sincerely,



Sondra Walsh, Director
Administrative Services