



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 1, 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. Mt. Si Senior Center*

Commission Staff's Response to Application for Mitigation of Penalties TN-160664

Dear Mr. King:

On June 17, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TN-160664 against Mt. Si Senior Center for ten 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 June 23, 2016, Mt. Si Senior Center wrote the commission requesting mitigation of penalties. In its mitigation request, Mt. Si Senior Center does not dispute the violation occurred. The company states, "...each year that I've been here we have filed a report showing our number of vehicles and paying you a fee of \$10 per vehicle used in support of our transportation project. On the 2014 reeport, under "Primary Source of Compensation" we checked "Grants or Contracts" and listed our resources as being WSDOT, King County Metro Transit, Metro CAT, City of North Bend and the City of Snoqualmie. Passenger fares make up approximately 1% of our income. On the 2015 report we filled out everything except we forgot to list our sources of income so apparently this triggered a penalty from the WUTC of \$1,000. We received no notice saying that our report was unfinished but received a penalty notice." The company continues to state that they're a small nonprofit that has provided more than 38,000 rides to valley residents. Furthermore, a \$1,000 penalty would be crippling.

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 1, 2016

Page 2

On April 15, 2016, Mt. Si Senior Center paid the regulatory fee and filed an incomplete annual report. The annual report was incomplete as the company's "Primary Source of Compensation" was blank. On April 19, Commission staff sent an email advising the company that the annual report was incomplete. The email was sent to that email that was provided by the company on the annual report. There was no response.

On June 23, 2016 Mt. Si Senior Center provided this missing information along with their mitigation request. Mt. Si Senior Center has been active since 2005 and previously filed their annual reports late for the 2011 and 2014 operating years. Mitigation was not requested for either of these years and the penalty assessments were paid in full. As such, staff recommends a reduced penalty of \$50 per day for a total penalty assessment of \$500.

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