



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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

(360) 664-1160 • TTY (360) 586-8203

July 19, 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. Bad Magick, LLC*

Commission Staff's Response to Application for Mitigation of Penalties TE-160682

Dear Mr. King:

On June 20, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-160673 against Bad Magick, LLC for ten violations of Washington Administrative Code (WAC 480-30-071 and 480-30-076), which requires charter and excursion carrier companies to furnish annual reports, supporting documentation 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 5, 2016, Bad Magick, LLC wrote the commission requesting mitigation of penalties. In its mitigation request, Bad Magick, LLC does not dispute the violation occurred. The company states "...During the UTC inspection, I was made aware of many details and thought I had covered everything. I believed I filed the annual report. After receiving the penalty I went through the paper work and realized I filed the Motor Carrier Identification Report, not the annual report. The past year has been challenging. My son was born within the past year, I own another business as well, and learning of everything that goes into operating our bus company has been difficult. I am doing my best and understand it was my responsibility."

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 charter and excursion carrier companies. The instruction 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.

The annual report was received with the penalty assessment response on July 5, 2016. It is currently incomplete. Commission staff called Bad Magick, LLC and left a voice mail on July 19 regarding the outstanding information. The regulatory fee is still outstanding.

UTC Annual Reports

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Bad Magick, LLC has been active since 2014 and this is their first late filing. As the company is new, staff would be amenable to support mitigation and a reduction of the penalty to \$25 per day if the company provides an updated 2015 annual report and pays the regulatory fees owed by August 5, 2016.

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

Sincerely,

A handwritten signature in blue ink that reads "Brian P. Della (for S.W.)". The signature is written in a cursive style.

Sondra Walsh, Director
Administrative Services