



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 15, 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. Four Park Avenue, LLC*

Commission Staff's Response to Application for Mitigation of Penalties TE-160700

Dear Mr. King:

On June 21, 2016, the Utilities and Transportation Commission issued a \$900 Penalty Assessment in Docket TE-160700 against Four Park Avenue, LLC for nine 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 1, 2016, Four Park Avenue, LLC wrote the commission requesting mitigation of penalties. In its mitigation request, Four Park Avenue, LLC does not dispute the violation occurred. The company states, "...I sent the annual report and regulatory fee to the UTC. It arrived early of the deadline. I received a phone call from DOT (UTC) asking for some follow-up information and spoke with commission staff about it. We had left the VIN #'s and mileage of the vehicles off the chart. I did not know that we failed to list such an easy thing to obtain/provide. I didn't realize I mailed it incomplete. I did not know there was a \$100 per day fine for missing information. I played phone tag with staff but was not ware of the significance of the fine. I ask for your understanding since it was an innocent mistake and the fact that I did not know there was a problem until well after the deadline."

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 instructions page along with Schedule 1, Part A informs the regulated company that it must complete the annual report form, provide the supporting financial reporting documents and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

UTC Annual Reports

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An incomplete annual report was received by the commission on May 4. Commission staff called Four Park Avenue, LLC and left a voicemail on May 10 advising the company that the vehicle information was incomplete and that the intrastate operating miles were not provided. Four Park Avenue, LLC provided an updated and complete annual report on May 13.

Four Park Avenue, LLC has been active since 2014 and filed their 2014 annual report on time. As the company was previously compliant, attempted to file on-time, and quickly responded to staff, it is staffs recommendation that the penalty be waived.

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 "Sondra Walsh for S.W." The signature is written in a cursive style.

Sondra Walsh, Director
Administrative Services