



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

1400 S Evergreen Park Drive SW • PO Box 40128 • Olympia WA 98504-0128 • (360) 664-1183

February 16, 2006

Carole J. Washburn, Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

Re: *Metropolitan Movers, Inc. – Penalty Assessment*
Docket No. TV-052020

Dear Ms. Washburn:

Enclosed for filing in the above-referenced docket are the original and eight copies of Commission Staff's Response to Metropolitan Movers, Inc.'s Application for Mitigation, and Certificate of Service.

Sincerely,

JENNIFER CAMERON-RULKOWSKI
Assistant Attorney General

JCR:emd
Enclosure
cc: Parties



BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of PENALTY ASSESSMENT
AGAINST Metropolitan Movers, Inc., in the
amount of \$100.00

DOCKET NO. TV-052020

COMMISSION STAFF'S
RESPONSE TO METROPOLITAN
MOVERS, INC.'S APPLICATION
FOR MITIGATION

1 Pursuant to WAC 480-07-370(1)(c), Commission Staff submits this response to
Metropolitan Movers Inc.'s Application for Mitigation.

I. BACKGROUND

2 On January 30, 2006, The Washington Utilities and Transportation Commission
(Commission) assessed a penalty in the amount of \$100 against Metropolitan Movers, Inc.
(Metropolitan) for failure to timely submit its annual report to the Commission. On
February 3, 2006, Metropolitan filed an Application for Mitigation of Penalties. For the
reason given below, Commission Staff (Staff) supports fully mitigating the penalty assessed
against Metropolitan.

3 Each year, in accordance with WAC 480-15-480, household goods carriers must file
an annual report and pay regulatory fees by May 1. To assist companies with timely filing,
and to comply with WAC 480-15-480(1)(b), the Commission sent each household goods
carrier registered with the Commission a notice on March 3, 2005, with annual report forms
attached.¹

4 After May 1, the due date for filing annual reports and regulatory fees, the
Commission sent out delinquency letters to each household goods company that had failed

¹ See Declaration of Sheri Hoyt, Attachment A at Appendix A.

to timely submit its annual report, including Metropolitan.² In this letter, the Commission stated that the company had already incurred a penalty of 2% for failure to pay its regulatory fee by May 1 and that Staff intended to recommend enforcement action against any company that failed to file its annual report by July 1.³ The Commission sent out a delinquency letter on June 1, 2005, to Metropolitan.

5 On November 29, 2005, the Commission filed a Complaint and Order to Show Cause Why Permit Should Not Be Canceled For Failure to Pay Regulatory Fees and/or Failure to File 2004 Annual Report and Notice of Hearing that named Metropolitan as one of the delinquent respondents.⁴ Commission records indicate that it received Metropolitan's annual report and regulatory fees in the amount of \$1530.73 (including late fees) on November 19, 2005.⁵ Because Metropolitan filed the annual report and regulatory fees by the date of the show cause hearing, it was dismissed from the proceeding.⁶ Metropolitan's annual report is dated June 30, 2005, and one month of late fees amounting to \$44.58 have been calculated on the Regulatory Fee Calculation Schedule.⁷

6 Because Staff found that the annual report had been filed after the July 1 enforcement deadline, the Commission sent Metropolitan a Notice of Penalties Incurred and Due for Violations of Laws Rules and Regulations.⁸ In that notice, issued January 30, 2006, the Commission issued a penalty of \$100 for failure to timely file the 2004 annual report.⁹

² Declaration of Sheri Hoyt, Attachment A at Appendix B.

³ *Id.*

⁴ Declaration of Sheri Hoyt, Attachment A at Appendix C.

⁵ Declaration of Sheri Hoyt, Attachment B.

⁶ Declaration of Sheri Hoyt, Attachment A, Appendix D at ¶¶15 and 31.

⁷ *Id.*

⁸ Declaration of Sheri Hoyt at ¶ 4.

⁹ Declaration of Sheri Hoyt at ¶ 4.

II. ARGUMENT


7 In its Application for Mitigation of Penalties, Metropolitan contends that it filed its 2004 annual report and paid its 2005 regulatory fee on June 30, 2005. Because the date appearing on the annual report is June 30, 2005, and the calculation of one month's interest on the balance is consistent with that date, Staff believes that there is credible evidence that Metropolitan submitted its annual report before the July 1 deadline and consequently supports fully mitigating the penalty.

III. CONCLUSION

8 Staff supports mitigating the entire assessed penalty of \$100. Accordingly, Staff requests that Metropolitan's Application for Mitigation of Penalties be granted.

DATED this 16th day of February, 2006, at Olympia, Washington.

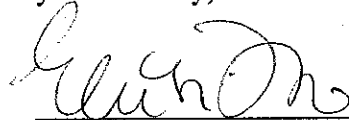
ROB MCKENNA
Attorney General


JENNIFER CAMERON-RULKOWSKI
Assistant Attorney General
Counsel for Washington Utilities and
Transportation Commission
(360) 664-1186

Docket No. TV-052020
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the persons and entities listed on the Service List below by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

DATED at Olympia, Washington this 16th day of February, 2006.



ELIZABETH M. DeMARCO

Metropolitan Family Movers, Inc.
10303 Portland Ave.
Tacoma, WA 98445-3949
Fax: (253) 537-8481
Phone: (253) 537-8480
E-mail: