

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment) DOCKET TV-130994
Against)
) ORDER 01
PUGET SOUND DELIVERY GUYS,)
LLC) ORDER DENYING REQUEST
) FOR HEARING AND
in the amount of \$75) MITIGATION
.....

BACKGROUND

- 1 Washington law requires household goods carriers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-15-480. On March 1, 2013, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to household goods carriers. The cover letter accompanying the forms reminded carriers to file their annual reports and pay their regulatory fees by May 1, 2013, and detailed potential penalties companies faced if they failed to file by that date. The penalties include an assessment of \$100 for each violation of Commission rules, and in the case of continuing violations, each day’s continuance is a separate violation. RCW 81.04.405.
- 2 On May 10, 2013, the Commission notified Puget Sound Delivery Guys, LLC (Puget or Company) that the Company’s annual fee and regulatory report were overdue. That notice further explained that the penalty would increase by \$100 per day for each business day that the Company failed to file the report and pay the fee. The notice stated that companies that filed no later than May 24, 2013, would receive mitigated penalties of \$25 per day.
- 3 On May 6, 2013, Puget filed its annual report and paid its regulatory fee, resulting in a potential penalty of \$300, calculated as \$100 per business day between May 1 and May 6, 2013. Because the Company had not previously missed the deadline for filing its annual report and paying its regulatory fee, on August 8, 2013, the Commission exercised its discretion to mitigate the penalty to \$25 per day, for a total assessed penalty of \$75.

4 On August 15, 2013, Puget responded to the Commission's penalty assessment and requested a hearing. Puget stated that it had submitted its annual report, and on May 6, 2013, the Commission cashed the check for the Company's regulatory fee. The Company provided a copy of the check and the Company's bank statement for May, 2013. Puget wrote the Commission that the Company hoped that with its submitted documents, a hearing would not be necessary. Commission Staff did not file a reply.

DISCUSSION

5 The Commission denies Puget's requests for a hearing and further mitigation. A hearing would be necessary only if the Company proposed to offer evidence in support of facts the Commission had not previously considered when assessing the penalty. Puget offers no such evidence. To the contrary, the documents the Company has provided support the facts in the penalty assessment that Puget did not make a timely filing.

6 With respect to the request for mitigation, the Commission has already mitigated the maximum potential penalty to \$25 per day to account for the May 6, 2013, filing date and the Company's filing and payment history. The Company did not provide any additional grounds on which to base further mitigation. The Commission finds that the penalty amount assessed is at a level that properly punishes the Company for violating the rule and provides Puget with the appropriate incentive to make future filings when they are due.

ORDER

7 **THE COMMISSION ORDERS:**

8 (1) Puget Sound Delivery Guys, LLC's request for a hearing is DENIED.

9 (2) Puget Sound Delivery Guys, LLC's request for further mitigation of the penalty is DENIED.

10 (3) The penalty of \$75 is due and payable no later than December 31, 2013.

- 11 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective December 20, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website. The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.