

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

MAXIM, LLC

in the amount of \$1,000

DOCKET TV-160629

ORDER 01

ORDER GRANTING MITIGATION TO
\$250

BACKGROUND

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to household goods companies. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by Monday, May 2, 2016, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day's continuance is a separate violation. RCW 80.04.405.
- 2 Maxim, LLC (Maxim or Company) did not file an annual report on May 2, 2016, and had not made that filing by May 16. On June 29, the Commission assessed a penalty of \$1,000 against Maxim, calculated as \$100 per business day from May 2 to May 16.
- 3 On August 11, 2016, Maxim responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the information provided. In its response, the Company states, "I am applying for mitigation as I didn't do any moving jobs in 2015, also, I didn't receive any letters asking for that as I moved twice between February and May. As discussed on the phone (August), I thought that there is nothing to file on a yearly basis. Please, I am asking for a penalty waiver as I didn't even get any business income from moving jobs during this year."
- 4 On August 12, 2016, Maxim filed a complete annual report. No regulatory fee was due.
- 5 On August 12, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company became regulated in 2015 and therefore has no prior violations of WAC 480-15-480.

DISCUSSION

- 6 WAC 480-15-480 requires household goods carriers to file annual reports by May 1 of each year, or the first business day thereafter. Companies are responsible for complying with their legal obligations, and the Company should not rely on reminders from the Commission to ensure compliance.
- 7 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected, a company's history of compliance, and the likelihood the violation will recur.¹ Here, Maxim has since corrected the violation by filing its annual report. Although Maxim claims it did not perform any household goods moves in 2015, the Company is still obligated to comply with Commission rules and annual reporting requirements as long as it maintains its household goods carrier permit. Because we have routinely granted mitigation to similarly-situated companies in their first year of operation, the Commission will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Maxim, LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 9 (2) The \$250 penalty is due and payable no later than August 30, 2016.
- 10 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 August 16, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

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.