

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against CAN'T STOP MOVING, LLC in the amount of \$51,900	DOCKET TV-170293 <i>(Consolidated)</i> ORDER 06
In the Matter of the Investigation of CAN'T STOP MOVING, LLC For Compliance with WAC 480-15-560 and WAC 480-15-570	DOCKET TV-180319 <i>(Consolidated)</i> ORDER 04 ORDER GRANTING EXTENSION OF PAYMENT ARRANGEMENT

BACKGROUND

- 1 On June 11, 2018, the Washington Utilities and Transportation Commission (Commission) entered Order 04/02, Extending Provisional Permit, Imposing and Suspending Penalties (Order 04/02) in these consolidated dockets. Among other things, Order 04/02 imposed the \$15,400 portion of the penalty that was suspended in Docket TV-170293, and assessed a \$28,600 penalty for additional violations in Docket TV-180319 against Can't Stop Moving, LLC (Can't Stop Moving or Company). Order 04/02 required Can't Stop Moving to either pay the combined penalty amount of \$44,000 or file jointly with Commission staff (Staff) a proposed payment plan within 10 days of the effective date of Order 04/02.¹
- 2 On July 10, 2018, Can't Stop Moving and Staff (Parties) filed a Joint Proposal for Payment Plan (Payment Plan) in these dockets. The Parties proposed that the Company pay the \$4,000 remaining balance of the payment plan already in place in Docket TV-

¹ Order 04/02 declined to cancel the existing payment plan for the \$4,000 remaining portion of the penalty that was not suspended in Docket TV-170293 until and unless the Company filed jointly with staff a revised payment plan that was accepted by the Commission.

170293 and the \$44,000 penalty imposed by Order 04/02 together in 36 installments, as follows:

Installment	Due Date	Remaining Penalty Amount Docket TV-170293	New Penalty Imposed/Assessed by Order 04/02	Monthly Total
1	July 16, 2018	\$500	\$850	\$1,350
2	August 15, 2018	\$500	\$850	\$1,350
3	September 17, 2018	\$500	\$850	\$1,350
4	October 15, 2018	\$500	\$850	\$1,350
5	November 15, 2018	\$500	\$850	\$1,350
6	December 17, 2018	\$500	\$850	\$1,350
7	January 15, 2019	\$500	\$850	\$1,350
8	February 15, 2019	\$500	\$850	\$1,350
9	March 15, 2019		\$1,350	\$1,350
10	April 15, 2019		\$1,350	\$1,350
11	May 1, 2019		\$1,350	\$1,350
12	June 17, 2019		\$1,350	\$1,350
13	July 15, 2019		\$1,350	\$1,350
14	August 15, 2019		\$1,350	\$1,350
15	September 16, 2019		\$1,350	\$1,350
16	October 15, 2019		\$1,350	\$1,350
17	November 15, 2019		\$1,350	\$1,350
18	December 16, 2019		\$1,350	\$1,350
19	January 15, 2020		\$1,350	\$1,350
20	February 17, 2020		\$1,350	\$1,350
21	March 16, 2020		\$1,350	\$1,350
22	April 15, 2020		\$1,350	\$1,350
23	May 15, 2020		\$1,350	\$1,350
24	June 15, 2020		\$1,350	\$1,350
25	July 15, 2020		\$1,350	\$1,350
26	August 17, 2020		\$1,350	\$1,350
27	September 15, 2020		\$1,350	\$1,350
28	October 15, 2020		\$1,350	\$1,350
29	November 16, 2020		\$1,350	\$1,350
30	December 15, 2020		\$1,350	\$1,350
31	January 15, 2021		\$1,350	\$1,350

32	February 15, 2021		\$1,350	\$1,350
33	March 15, 2021		\$1,350	\$1,350
34	April 15, 2021		\$1,350	\$1,350
35	May 17, 2021		\$1,350	\$1,350
36	June 15, 2021		\$750	\$750
	TOTAL:	\$4,000	\$44,000	\$48,000

- 3 On July 16, 2018, the Commission issued Order 05/03, Order Granting Payment Arrangement (Order 05/03), approving the proposed Payment Plan. Order 05/03 required that the Company pay each installment by the due date, and provided that the entire remaining balance of payments would become immediately due and payable without further Commission order if the Company missed a payment.
- 4 On March 7, 2019, Staff filed a letter in this docket requesting that the Commission cancel the Payment Plan. In its letter, Staff informed the Commission that Can't Stop Moving has made only five of the eight monthly payments due, none of which were made in a timely manner.
- 5 On March 12, 2019, Can't Stop Moving sent an email to the Commission requesting an extension of time to pay. In its email, the Company accepts that it has failed to meet the terms of the Payment Plan, but claims that it intends to remedy the situation going forward. The Company further claims that if it were forced to immediately pay the entire penalty in full it would struggle to continue its business operations.

DISCUSSION

- 6 Although Staff's request to enforce the terms of Order 05/03 is reasonable, the Commission's ultimate goal in any enforcement action is gain compliance, not create an insurmountable financial burden for a small business. Here, the Company provided both a reasonable explanation for its missed payments and assurances of future compliance. The Commission recognizes that requiring immediate payment of the entire penalty would create a financial hardship for the Company that would likely require it to cease operations entirely.
- 7 Accordingly, the Commission allows Can't Stop Moving to bring its account current by making the delinquent payments owed for December 2018, January 2019, February 2019, and March 2019 within ten days from the date of this order. At that point, the Company may resume the schedule set out in the original Payment Plan, with its tenth payment due on April 15, 2019.

8 The Company may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make timely monthly installments until the full amount of \$48,000 is satisfied. Can't Stop Moving must contact Staff immediately if the Company finds itself unable to make a payment on time, and proactively apprise Staff of the issue and any proposed solution. We encourage the Parties to work together on any future revision to the Payment Plan.

9 We caution the Company that future delinquencies will not be met with similar leniency. In the event the Company is unable to honor the Payment Plan, the Commission will cancel the Payment Plan and may pursue additional enforcement action, up to and including canceling the Company's household goods permit for failure to comply with a Commission order.

ORDER

THE COMMISSION ORDERS THAT:

- 10 (1) The \$5,400 delinquent portion of the penalty is due within 10 days of the date of this order.
- 11 (2) The remaining \$35,850 portion of the penalty is due and payable to the Commission in installments 10-36 as set out in paragraph 3, above.
- 12 (2) If Can't Stop Moving, LLC fails to pay any installment by 5 p.m. on the date it is due, the unpaid balance will immediately become due and payable without further order by the Commission.
- 13 (3) Can't Stop Moving, LLC may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make timely monthly installments until the full amount is satisfied.
- 14 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1).

DATED at Olympia, Washington, and effective March 26, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
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.