

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-130971
Against	)	
	)	ORDER 01
DELIGHTFULLY NORTHWEST, INC.	)	
	)	ORDER DENYING REQUEST
in the amount of \$250	)	FOR HEARING AND
.....	)	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 Delightfully Northwest, Inc. (Delightfully Northwest 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 15, 2013, Delightfully Northwest filed its annual report and paid its regulatory fee.

4 On August 8, the Commission assessed a penalty of \$250 for the Company’s violation of WAC 480-15-480. Delightfully Northwest was subject to a penalty of \$100 per business day between May 1 and May 15, 2013, or \$1000, but because the Company

had not previously missed the deadline for filing its annual report and paying its regulatory fee, the Commission exercised its discretion to mitigate the penalty to \$25 per day, for a total assessed penalty of \$250.

- 5 On August 12, 2013, the Commission received Delightfully Northwest's response to the Commission's penalty assessment. The Company checked the box on the Commission-provided form indicating that the Company denied it had violated Commission rules and requested a hearing. However, Delightfully Northwest did not explain the reasons it was requesting a hearing, as the form requires.
- 6 On August 23, 2013, Delightfully Northwest submitted a revised version of the response form that added the explanation, "Paid late charge with payment on 5/14/13. Never received notification it was due." The Company also checked a second box on the form admitting the violation and requesting mitigation and included the explanation, "Never rec'd notification it was due and paid late fee in accordance to paperwork ret'd to you." Commission Staff did not file a reply.

### **DISCUSSION**

- 7 The Commission denies the request for a hearing and further mitigation of the assessed penalty. The Commission will grant a hearing to contest a penalty assessment if the penalized company states grounds on which it can legitimately claim not to have committed the underlying violation of law. Here, Delightfully Northwest concedes that it did not make the requisite filing until two weeks after the deadline. The Commission rule requires the Company to file its annual report and pay regulatory fees by May 1 each year. Even if Delightfully Northwest did not receive the reminder notice from the Commission as the Company claims, Delightfully Northwest remained obligated to comply with the rule. The Company's apparent misunderstanding of this legal requirement does not provide a basis for contesting the Company's violation of the rule in a hearing or otherwise.
- 8 Nor does the Company's confusion or payment of the statutory late fee justify further mitigation of the assessed penalty. It is the Company's responsibility to understand and comply with the regulations under which it operates, including the date by which it must file its annual report and pay its regulatory fee each year. Delightfully

Northwest's lack of responsibility does not merit a reduction in the assessed penalty. To the contrary, the Commission finds that the mitigated penalty of \$250 is an amount that properly punishes the Company for violating the Commission rule and provides an appropriate incentive to meet Commission deadlines in the future.

**ORDER**

**THE COMMISSION ORDERS:**

- 9 (1) Delightfully Northwest, Inc.'s request for a hearing is DENIED.
- 10 (2) Delightfully Northwest, Inc.'s request for further mitigation of the penalty is DENIED.
- 11 (3) The penalty is due and payable no later than December 31, 2013.
- 12 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 24, 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.