

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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|---------------------------------------|---|--------------------------|
| In the Matter of a Penalty Assessment |) | DOCKET TV-140973 |
| Against |) | |
| |) | ORDER 01 |
| MOVING & STORAGE SOLUTIONS, |) | |
| INC. |) | ORDER DENYING MITIGATION |
| |) | |
| in the amount of \$900 |) | |
| |) | |

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 February 28, 2014, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all household goods carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2014, 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 Moving & Storage Solutions did not file its annual report on May 1, 2014. On June 5, the Commission assessed a penalty of \$900 against Moving & Storage Solutions, calculated as \$100 per business day from May 1 to May 14, the day the Company's report was received.
- 3 On June 12, 2014, Moving & Storage Solutions responded to the Commission's penalty assessment and requested mitigation based on the written information provided. The Company explained that it overlooked the May 1 filing deadline, and believes that it filed timely in years past.
- 4 On June 26, 2014, Commission Staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation. Staff explained that the Company was also delinquent in 2013, and received a mitigated penalty at that time.

DISCUSSION

5 WAC 480-15-480 requires permitted household goods carriers to file annual reports
and pay regulatory fees by May 1 of each year. Companies are responsible for
complying with their legal obligations, and the Company should have been aware of
the need to file an annual report, particularly given the Commission's reminders.

6 The Commission agrees with Staff's recommendation and denies the Company's
request for mitigation. The Commission may consider a number of factors when
entertaining a request for mitigation, including the company's compliance history and
the likelihood the violation will recur.¹ Ultimately, the Commission's goal is to gain
compliance going forward. Here, the Company has a history of noncompliance; it
received and paid a reduced penalty in 2013. Accordingly, the violations are likely to
recur absent an escalated penalty. The Commission finds the penalty amount to be a
reasonable deterrent to overlooking future filing deadlines and requirements.

ORDER

THE COMMISSION ORDERS:

7 (1) The request of Moving & Storage Solutions, Inc. for mitigation of the \$900
penalty is DENIED.

8 (2) The penalty is due and payable no later than July 28, 2014.

9 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 July 14, 2014.

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. 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.