

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-150890
Against	)	
	)	ORDER 01
CITY/SUDDATH RELOCATION	)	
SYSTEMS, LLC	)	ORDER GRANTING MITIGATION
	)	TO \$250
in the amount of \$1,000	)	
.....	)	

**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 27, 2015, 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, 2015, 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 City/Suddath Relocation Systems, LLC (City/Suddath Relocation or Company) filed an incomplete annual report on May 1, 2015, and had not made a complete filing by May 15. On May 27, the Commission assessed a penalty of \$1,000 against City/Suddath Relocation, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 9, 2015, City/Suddath Relocation filed a complete annual report. That same day, the Company responded to the Commission’s penalty assessment, contesting the violations and requesting mitigation based on the written information provided. The Company claimed that the Commission has accepted annual reports with missing mileage and intrastate household goods moves information in the past. The Company further explained that its failure to respond to the Commission’s email of May 5, which notified the Company that its report was incomplete, was an unintentional oversight.
- 4 On June 22, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company has no prior violations of WAC

480-15-480. Staff noted that in 2014, the Company was contacted regarding the same missing mileage and intrastate household goods information, and was therefore aware that it was required.

### **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 ensured its annual report was complete, particularly since it was notified in 2014 that omitting information about mileage and intrastate household goods moves could result in penalties.

6 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance, whether the violation was promptly corrected, and the likelihood the violation will recur.<sup>1</sup> Here, City/Suddath Relocation has corrected the deficiencies in its annual report. In addition, this is the Company's first violation of WAC 480-15-480 since it became regulated in 2012. Although the Company has a relatively brief history of compliance, we have routinely granted mitigation for first time violations. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

### **ORDER**

#### **THE COMMISSION ORDERS:**

- 7 (1) City/Suddath Relocation Systems, LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The penalty is due and payable no later than July 17, 2015.

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

- 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 7, 2015.

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.**