

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Penalty Assessment No.)	DOCKET NO. TV-052020
TV-052020)	
)	ORDER NO. 01
METROPOLITAN MOVERS, INC.)	
)	
)	ORDER GRANTING MITIGATION
.....)	

1 On January 30, 2006, The Washington Utilities and Transportation Commission (Commission) assessed a penalty in the amount of \$100 against Metropolitan Movers, Inc. (Metropolitan) for one violation of WAC 480-15-480, which requires household goods carriers to file annual reports and pay regulatory fees to the Commission no later than May 1 of each year. Commission Staff sent Metropolitan a letter on June 1, 2005, with a due date of July 1, 2005, for filing its 2004 annual report and 2005 regulatory fees. Metropolitan filed its annual report and regulatory fee on December 19, 2005.

2 On February 3, 2006, Ron Cronkhite, CEO, Metropolitan Family Movers, Inc. filed a timely petition for mitigation of the penalty assessment. The petition does not seek a hearing and does not request a hearing to contest the factual basis of the penalties. The Company states that it mailed its 2004 annual report on June 30, 2005. Later Metropolitan was informed that the Commission had not received the report. Metropolitan submitted a copy of the 2004 annual report on December 14, 2005, along with its regulatory fee.

3 On February 16, 2006, commission staff responded to Metropolitan's Application for Mitigation. Staff states that it has no reason to doubt the company's good faith belief that the annual report and regulatory fee was mailed June 30, 2005. Accordingly, staff recommends that the penalty be fully mitigated.

4 Metropolitan contends that it believes, in good faith, that it submitted its 2004 annual report within the time-frame established by the Commission's letter of June 1, 2005. A review of the Commission's records regarding the company indicates that the documents were not received at that time. It is not clear from the records whether the reason the Commission did not receive the report was due to Metropolitan's failure to submit the report, or to some cause beyond the Company's control such as loss of the report during transmission. Commission records also show that Metropolitan has no prior history of late-filed reports or fees.

5 In general, the Commission finds the mail is speedily and reliably delivered. The burden is upon the company to prove timely filing of reports, which can be easily and inexpensively met by obtaining proof of mailing at the time of deposit with the carrier. Here, given the speedy filing upon receiving notice of the penalty assessment and the lack of prior violations, we mitigate in full the penalty assessed, and encourage the company to obtain proof of mailing in the future.

ORDER

6 The Commission grants the Application for Mitigation of Penalties of Metropolitan Movers, Inc.

7 The Commission rescinds the penalty assessment and mitigates to zero the penalty assessed.

DATED at Olympia, Washington, and effective this 28th day of February, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.