

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

In the Matter of a Penalty Assessment	)	DOCKET TV-111130
Against	)	
	)	ORDER 01
FIRST USA VANLINES, LLC,	)	
	)	ORDER DENYING MITIGATION
in the amount of \$100.00.	)	
.....	)	

1 **Penalty.** On July 13, 2011, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in Docket TV-111130 in the amount of \$100 against First USA VanLines LLC (First USA or Company), for a violation of Washington Administrative Code (WAC) 480-15-480. This rule requires permitted household goods companies to file annual reports with the Commission no later than May 1 each year. The Commission sent letters notifying and reminding the Company of this requirement in March 2011, April 2011, and again in May 2011; the initial letter included copies of all the required forms. All of the letters were sent to the Company’s address in Phoenix, Arizona.

2 As of June 22, 2011, First USA had not filed its Annual Report for 2010. In the penalty assessment issued on July 13, 2011, the Commission advised First USA that it was required to act within 15 days of receiving the notice either to pay the \$100 penalty, request a hearing to contest the alleged violation, or request mitigation to contest the amount of the penalty.

3 **Mitigation Request.** On July 26, 2011, First USA responded to the Commission, admitting the violation but seeking to have the penalty waived or reduced. The company explained that First USA is located in Phoenix, Arizona, but its accounting department is in Los Angeles, California. The Company stated that the accounting department did not receive the annual report letters in Los Angeles in time to make the required filing.

- 4 **Commission Staff Opposition to Mitigation.** Commission Staff filed a Response opposing the Company's request for mitigation on August 5, 2011. Commission Staff noted that the Commission's notification and reminder letters were all sent to the Company's Phoenix, Arizona, address which is on file with the Commission. According to Commission Staff, it is the Company's responsibility to ensure mail is forwarded to the proper internal department or to change the address the Company has on file with the Commission. Staff asked that the company's request be denied.
- 5 **Commission Decision.** The Commission denies First USA's request for mitigation. The Commission sent its initial notification letter to First USA in Phoenix, Arizona, in March 2011 and sent additional courtesy reminders in April and May. First USA failed to respond to any of those letters. However, when the Commission sent the Penalty Assessment to the same company address, First USA proved it was able to quickly respond and request mitigation.
- 6 As pointed out by Commission Staff's response, all Commission correspondence regarding the annual report filing requirement was directed to the address on file with the Commission. First USA does not claim any problems with mail delivery but only a failure to timely route the Commission correspondence to its accounting department. This does not excuse the Company's requirement to comply with WAC 480-15-480 and timely file its annual report.
- 7 The original \$100 penalty will not be reduced. That penalty is due and payable no later than September 15, 2011.
- 8 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 August 18, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

**NOTICE TO PARTIES:** This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

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 Web site.