

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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|---------------------------------------|---|-------------------------|
| In the Matter of a Penalty Assessment |) | DOCKET TV-120903 |
| Against |) | |
| |) | ORDER 01 |
| A-1 PREMIUM MOVING, |) | |
| |) | ORDER GRANTING |
| in the amount of \$2,100. |) | MITIGATION ON CONDITION |
| |) | |

MEMORANDUM

- 1 **Penalty.** On July 23, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$2,100 against A-1 Premium Moving (A-1 or Company), for violations of Washington Administrative Code (WAC) 480-15-480. This rule requires permitted household goods carriers to file annual reports with the Commission by May 1 each year. A-1 failed to timely file its annual report.
- 2 The Commission assessed a penalty of \$100 for each business day that A-1 was late in filing its complete annual report, with the total penalty capped at \$2,100.
- 3 **Mitigation Request.** On August 6, 2012, A-1 filed an Application for Mitigation on a form provided by the Commission. The Company admitted the violation but explained that it had “missed place the annual report and thought I had given it to my accountant to file. I later found out that she had not receive it, so I am filing it now.” The Company did not specify the amount of mitigation it was seeking.
- 4 **Commission Staff Support for Limited Mitigation.** Commission Staff filed a Response to the Company’s mitigation request on December 18, 2012. Staff points out that the Commission not only sent out the required forms to all household goods carriers on February 29, 2012, but also sent a reminder letter on May 15, 2012. A-1 failed to respond to either mailing and took no action to file an annual report until being penalized. However, Staff supports mitigating the assessed penalty in this case because this is the first instance of late filing by this Company. Staff recommends mitigating the penalty by half, from \$2,100 to \$1,050.
- 5 **Commission Determination.** The Commission determines that it should mitigate the penalty assessed against A-1 to the extent of suspending half, or \$1,050 of the \$2,100 penalty amount, subject to the condition that A-1 files its 2012 annual report by

May 1, 2013, *and* also timely pays the unsuspended portion of the penalty. If the company fails to either timely file its 2012 annual report *or* pay the penalty imposed, the suspended penalty of \$1,050 will become due without further action by the Commission. An additional penalty may be assessed for any late filing of the 2012 annual report.

- 6 This decision is based on this being a first instance of A-1 failing to timely file its annual report. The Commission's primary goal in reaching its determination is to promote future compliance. Both the assessed penalty now due and the suspended penalty support this goal.

ORDER

THE COMMISSION ORDERS THAT:

- 7 (1) The penalty of \$2,100 assessed against A-1 Premium Moving, on July 23, 2012, is suspended in the amount of \$1,050 subject to the condition that A-1 files its 2012 annual report by May 1, 2013. If the Company fails to timely file its 2012 annual report, the suspended penalty will become due without further action by the Commission.
- 8 (2) The unsuspended portion of the penalty amount of \$2,100 assessed against A-1 Premium Moving, on July 23, 2012, (*i.e.*, \$1,050), is due and payable to the Commission within 30 days following the date of this Order. If the Company fails to timely pay this penalty, the suspended penalty will become due without further action by the Commission.
- 9 (3) The Commission delegates to its Secretary authority to enter this Order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective December 28, 2012.

WASHINGTON 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.