

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-120929
Against	)	
	)	ORDER 01
METROPOLITAN MOVERS, INC.,	)	
	)	
in the amount of \$400.00.	)	ORDER DENYING MITIGATION
	)	
.....	)	

**MEMORANDUM**

- 1 **Penalty.** On July 24, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$400 against Metropolitan Movers, Inc. (Metropolitan), for violations of Washington Administrative Code (WAC) 480-15-480. This rule requires household goods carriers to file annual reports with the Commission by May 1 each year.
  
- 2 On February 29, 2012, the Commission mailed Annual Report forms and Regulatory Fee packets to all regulated household goods carriers as required by WAC 480-15-480. On May 15, 2012, the Commission mailed a letter to companies that had not yet filed an annual report notifying them that they had incurred, as of that date, a penalty of \$900. The letter explained that companies who filed their annual reports no later than May 25, 2012, would receive mitigated penalties of \$25 per day, with an additional \$25 per day assessed for each instance in the previous five years that the company received a penalty for filing a late report.
  
- 3 Metropolitan filed its 2011 annual report on May 23, 2012. This is 22 days late, making the company liable for a penalty of up to \$2,200 as provided in RCW 80.04.405. The Commission, considering the nature of the offense and other factors, exercised its discretion to assess less than the maximum penalty. Under the Commission’s May 15, 2012, offer of partial mitigation for violators who filed their annual report by May 25, 2012, the Commission assessed a penalty of \$400 against Metropolitan.

- 4 **Mitigation Request.** On August 6, 2012, Metropolitan filed a Commission form requesting mitigation (Mitigation Request). Metropolitan does not dispute that the violation occurred. The company states:

Due to down-sizing, the person responsible for filing this report is no longer with the company, which resulted in a bit of confusion as to the actual filing deadline date (somehow believed to be May 31), and therefore a delay in the filing of the required annual report. We have since inputted the due dates with instructions and procedures onto our company calendar as a reoccurring event to avoid any recurrence of this incident in the future. ... We believe this admitted mistake on our part will not be repeated, and given that we have already paid our regulatory fees of \$146.46, we therefore humbly request that this penalty be waived.

- 5 **Commission Staff Opposition to Mitigation.** Commission Staff filed a Response to the Mitigation Request on August 10, 2012. Staff opposes mitigating the assessed penalty because this is not the company's first offense. **Error! Reference source not found.**has held permanent household goods authority since January 1999 and received a penalty for filing a delinquent annual report in 2005. Metropolitan filed its annual report 16 business days after the deadline of May 1, 2012. The penalty was administratively mitigated from \$100 per calendar day to \$25 per business day for a total of \$400. Based on the company's delinquent annual report filling in the past, Staff does not support mitigating the assessed penalty further and recommends the company's Mitigation Request be denied.

- 6 **Commission Determination.** The Commission determines that it should deny the Mitigation Request consistent with Staff's recommendation. This decision is based on the fact that the \$400 penalty assessed is a reasonable punitive measure to impose for the company's violation of WAC 480-15-480. While the Commission's primary goal in taking enforcement actions in the form of penalty assessments is to gain compliance and promote future compliance, a secondary goal is to impress upon participants that the Commission does not take lightly violations of law related to public safety. A penalty of \$400 reduces by more than 80 percent the maximum penalty for this violation, thus striking a reasonable balance between the two goals of compliance and punishment for a violation.

**ORDER**

THE COMMISSION ORDERS THAT:

- 7 (1) The penalty of \$400 assessed against Metropolitan Movers, Inc., on July 24, 2012, is due and payable to the Commission within 15 days following the date of this Order.
- 8 (2) 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 August 17, 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.**