

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-120942
Against)	
)	ORDER 01
QUICK MOVE TRANSPORT, LLC,)	
)	
in the amount of \$250.00.)	ORDER DENYING MITIGATION
)	
.....)	

MEMORANDUM

- 1 **Penalty.** On July 24, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a mitigated penalty of \$250 against Quick Move Transport, LLC (Quick Move), for violations of Washington Administrative Code (WAC) 480-15-480. This rule requires household goods carriers to file annual safety 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(1)(b). 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 Quick Move filed its 2011 annual report on May 15, 2012. This is 14 days late, making the company liable for a penalty of up to \$1,400 as provided in RCW 81.04.405. Even under the Commission’s offer of mitigation for violations cured by May 25, 2012, Quick Move was subject to a penalty of \$350. The Commission nevertheless exercised its discretion and assessed a penalty of \$250 against Quick Move based on the number of business days the company’s filing was late, rather than on the basis of calendar days.

- 4 **Mitigation Request.** On July 30, 2012, the company filed a form provided by the Commission requesting mitigation of the penalty (Mitigation Request). In its Mitigation Request, Quick Move does not dispute that the violation occurred. The company states that its late filing resulted from misreading information on the Commission's web site, which led the company to believe the filing deadline was May 15, not May 1. The Mitigation Request states that the company's late filing was "caused by a simple mistake, and one that will not happen again."
- 5 **Commission Staff Support for Partial Mitigation.** Commission Staff filed a Response to the Mitigation Request on August 2, 2012. Staff supports mitigating the assessed penalty from \$250 to \$125 because this is Quick Move's first offense. Quick Move has been subject to the Commission's jurisdiction since April 2009.
- 6 **Commission Determination.** The Commission determines that it should deny the Mitigation Request. This decision is based on the Commission's judgment that the \$250 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 current 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 \$250 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 this violation.

ORDER

THE COMMISSION ORDERS THAT:

- 7 (1) The penalty of \$250 assessed against Quick Move Transport, LLC 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 14, 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.