

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-130978
Against	)	
	)	ORDER 01
CHRISTOPHER R. HOOD	)	
	)	ORDER WITHDRAWING
in the amount of \$900	)	PENALTY ASSESSMENT
.....	)	

**BACKGROUND**

- 1 Washington law requires household goods carriers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-15-480. On February 28, 2013, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to household goods carriers. The cover letter accompanying the forms reminded carriers to file their annual reports and pay their regulatory fees by May 1, 2013, and detailed potential penalties companies faced if they failed to file by that date. The penalties include an assessment of \$100 for each violation of Commission rules, and in the case of continuing violations, each day’s continuance is a separate violation. RCW 81.04.405.
  
- 2 On May 10, 2013, the Commission notified Christopher R. Hood (Hood or Company) that the Company’s annual fee and regulatory report were overdue, and that, as a consequence, Hood had accrued a penalty of \$700. That notice further explained that the penalty would increase by \$100 per day for each business day that the Company failed to file the report and pay the fee.
  
- 3 On June 3, 2013, Hood filed its annual report, resulting in a penalty of \$100 per business day between May 1 and May 24, for a total penalty of \$1800. Because the Company had not previously failed to timely file its annual report and pay its regulatory fee, on August 7, 2013, the Commission exercised its discretion and mitigated the penalty by 50 percent, to a total of \$900.
  
- 4 On August 19, 2013, Hood wrote the Commission and requested waiver or further mitigation of the penalty. Hood explained that on April 23, 2013, the co-owner

responsible for filing the annual report was in a car accident, sustained serious injuries requiring three weeks' hospitalization, and was away from the office until June 3, 2013.

- 5 On September 3, 2013, Staff filed a response recommending not imposing a penalty because the Company presented new and compelling information—the co-owner's accident, injuries, and recovery time—that supports further mitigation.

### **DISCUSSION**

- 6 The Commission agrees with Staff's recommendation and will not impose a penalty. The Commission's primary objective in any enforcement action is to ensure compliance with a company's legal obligations, and penalties both punish past violations and provide an incentive to comply in the future. The circumstances here demonstrate that neither punishment nor incentive is warranted. The co-owner responsible for making the requisite filings experienced a serious accident and severe injuries, and the Company made reasonable efforts to meet its obligations as quickly as possible in light of that event. Under these circumstances, we will not impose a penalty against Hood.

### **ORDER**

- 7 THE COMMISSION ORDERS that the penalty previously assessed against Christopher R. Hood in this docket will not be imposed.
- 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 December 20, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

**NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website. 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 website.**