

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment     ) DOCKET TV-130988  
Against   )  
   ) ORDER 01  
NATIONAL MOVING & STORAGE,             )  
INC.   ) ORDER GRANTING  
   ) MITIGATION  
in the amount of \$750                         )  
.....   )

**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 all 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 National Moving & Storage, Inc. (National Moving or Company) that the Company’s annual fee and regulatory report were overdue, and that, as a consequence, National Moving 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. The notice stated that companies that filed no later than May 24, 2013, would receive mitigated penalties of \$25 per day, and that additional penalties of \$25 per day would be added for each year that the company filed late in the past five years, up to a maximum of \$100 per day.
- 3 On May 22, 3013, National Moving filed its annual report and paid its regulatory fee. On August 7, 2013, the Commission assessed a mitigated penalty of \$750 against

National Moving, calculated as \$50 per business day from May 1 to May 22, because National Moving's report and fees were late in 2011.

- 4 On August 8, 2013, National Moving responded to the Commission's penalty assessment, admitting the violation but seeking to have the penalty reduced to \$375. National Moving states that the Company's annual report and regulatory fee were late due to the owner's health problems and related absence from the Company's office.
- 5 On September 3, 2013, Staff filed a response supporting the Company's request for further mitigation because of the health problems of National Moving's owner.

### **DISCUSSION**

- 6 The Commission agrees with Staff that National Moving presents sufficient justification for further mitigation. In cases such as this one in which the Commission has mitigated the maximum penalty amount that it could have assessed, the Commission generally will grant further mitigation only if presented with information the Commission did not consider in setting the assessed penalty amount and that information provides a reasonable basis for the relief requested.<sup>1</sup> The Company has provided just such information. Its owner's health problems are circumstances beyond National Moving's control that reasonably hindered the Company's ability to timely file its annual report and pay its regulatory fee. The Commission, therefore, grants National Moving's request and further mitigates the penalty to \$375.

### **ORDER**

#### **THE COMMISSION ORDERS:**

- 7 (1) The request of National Moving & Storage, Inc., for further mitigation of the assessed penalty to \$375 is GRANTED.
- 8 (2) The mitigated penalty of \$375 is due and payable no later than January 21, 2014.

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<sup>1</sup> Docket A-120061, Enforcement Policy of the Washington Utilities and Transportation Commission, ¶ 19 (January 7, 2013).

- 9 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 January 7, 2014.

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.**