

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment     ) DOCKET TV-130996  
Against   )  
  ) ORDER 01  
RELIABLE MOVERS, LLC                        )  
  ) ORDER DENYING REQUEST  
in the amount of \$900                         ) FOR MITIGATION  
.....    )

**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 Reliable Movers, LLC (Reliable or Company) that the Company’s annual fee and regulatory report were overdue, and that, as a consequence, Reliable 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.
- 3 On June 3, 2013, Reliable filed its annual report and paid its regulatory fee, resulting in a penalty of \$1800, calculated as \$100 per business day between May 1 and May 24, 2013. Because the Company had not previously missed the deadline for filing its annual report and paying its regulatory fee, on August 8, 2013, the Commission exercised its discretion to mitigate the penalty by 50 percent to a total assessed penalty of \$900.
- 4 On August 21, 2013, Reliable responded to the Commission’s penalty assessment, admitting the violation but seeking to have the penalty mitigated to zero. Reliable

states that it has not previously missed a Commission deadline, and the Company's annual report and regulatory fee were late because they were not properly calendared.

5 On September 3, 2013, Staff filed a response opposing the Company's request for further mitigation. Staff states that it already took the Company's filing history into account in mitigating the penalty by 50 percent, and that the Company did not present any new or compelling information in support of further mitigation.

### **DISCUSSION**

6 The Commission denies Reliable's request. The Commission has already mitigated the maximum potential penalty by 50 percent to account for the Company's filing and payment history. As for the calendaring error, Reliable is responsible for taking the actions necessary to ensure that it makes timely filings, and the Company's negligence in failing to do so provides no basis for further mitigation. To the contrary, the penalty amount assessed should provide Reliable with the appropriate incentive to make future filings when they are due.

### **ORDER**

7 THE COMMISSION ORDERS:

8 (1) The request of Reliable for further mitigation of the penalty is DENIED.

9 (2) The penalty of \$900 is due and payable no later than December 20, 2013.

10 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 9, 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.