

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-131510
Against)	
)	ORDER 01
OLYMPIC MOVING & STORAGE,)	
INC.)	ORDER DENYING REQUEST
)	FOR MITIGATION
in the amount of \$4,700)	
.....)	

BACKGROUND

- 1 Washington law requires household goods carriers to file an application with the Commission prior to transferring or acquiring control of an existing household goods carrier permit. WAC 480-15-187. On August 16, 2013, the Commission notified Olympic Moving & Storage, Inc. (Olympic or Company) that Commission Staff (Staff) had obtained evidence showing that the Company failed to file an application with the Commission before acquiring two locations operated by another household goods carrier on July 1, 2013. As a consequence, the Commission assessed a penalty of \$4,700 for 47 violations of WAC 480-15-187, calculated as \$100 per day for each business day that Olympic failed to file an application as authorized under RCW 81.04.405. The Company filed the required application on August 29, 2013.

- 2 On August 29, 2013, Olympic responded to the Commission’s penalty assessment, admitting the violation but seeking to have the penalty reduced. Olympic stated, “Immediately following this acquisition, we were diligently working on gathering all the information and documents required, however it took more time than was allotted,” and that the “applications have since been submitted.”

- 3 On September 10, 2013, Staff filed a response opposing the Company’s request for mitigation. Staff states that calls to the acquired locations indicated that Olympic had taken over the locations on July 1, 2013. In addition, Department of Revenue records show that Olympic took over related accounts previously owned by others on July 1, and Secretary of State records show that Olympic registered a business name for the new locations on December 11, 2012, all showing a planned acquisition allowing ample time for the required Commission application. Staff argues that Olympic’s violations were potentially harmful to the public because the Commission did not

have ownership records that would allow Staff to investigate consumer complaints. Staff observes that Olympic had previously properly acquired other permits, creating an inference that Olympic's failure to do so here was intentional. Finally, the Company did not file its application until the Commission assessed the penalty, indicating to Staff that the penalty itself prompted the application.

DISCUSSION

- 4 The Commission will not mitigate the penalty. The Commission considers several factors when determining the appropriate penalty for a company's violation of statutes or Commission rules, including as applicable here, how serious or harmful the violation is to the public, whether the violation was intentional, whether the company was cooperative and responsive, and whether the company promptly corrected the violation.¹ We agree with Staff that all of these factors support the penalty in the amount assessed.
- 5 The violation was serious and harmful to the public because the Commission must have company ownership information for purposes of responding to consumer complaints. Olympic is also experienced with regulatory requirements, and its failure to timely file the required application indicates that the violation was intentional. Finally, despite having been preparing for the acquisition for several months, the Company did not file the application for approval of that transaction until several weeks after the closing and until the Commission assessed the penalty for not making the filing, which was not timely, cooperative, or responsive.
- 6 Olympic's sole basis for mitigation of the assessed penalty is that the Company did not set aside sufficient time to prepare and submit its application. Olympic's failure to manage its own internal processes provides no grounds for mitigation. As a regulated company, Olympic bears the responsibility to ensure that its business operations comply with Commission rules, and the Commission will not reduce the assessed penalty due to the Company's refusal to exercise that responsibility.
- 7 The Commission's primary objective in any enforcement action is to ensure compliance with a company's legal obligations, and penalties both punish noncompliance and provide an incentive to comply in the future. The penalty amount assessed in this case should provide the appropriate incentive to timely comply with

¹ Docket A-120061, Enforcement Policy of the Washington Utilities and Transportation Commission, ¶ 15 (1) (January 7, 2013).

Commission rules, as well as punish the Company's late filing of the application at issue in this docket.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Olympic Moving & Storage Inc.'s request for mitigation of the penalty is
DENIED.
- 9 (2) The penalty of \$4,700 is due and payable no later than January 10, 2014.
- 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 26, 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.