

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-140939
Against	)	
	)	ORDER 01
ALL AMERICAN SPIRIT MOVING	)	
CO., LLC	)	ORDER DENYING MITIGATION
	)	
in the amount of \$400	)	
.....	)	

**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, 2014, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all household goods carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2014, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.
- 2 All American Spirit Moving did not file its annual report on May 1, 2014. On June 4, the Commission assessed a penalty of \$400 against All American Spirit Moving, calculated as \$100 per business day from May 1 to May 7, the date the report was received.
- 3 On June 24, 2014, All American Spirit Moving responded to the Commission’s penalty assessment and requested mitigation based on the written information provided. The Company explained that it is a one person operation, and requested leniency based on financial hardship.
- 4 On July 9, 2014, Commission Staff (Staff) filed a response recommending the Commission deny the Company’s request for mitigation. Staff explained that the Company was delinquent in 2012 and 2013, and received mitigated penalties both years.

## DISCUSSION

- 5 WAC 480-15-480 requires permitted household goods carriers to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations, and the Company should have been aware of the need to file an annual report, particularly given the Commission's reminders and the Company's prior violations.
- 6 The Commission agrees with Staff's recommendation and denies the Company's request for mitigation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's revenue, its history of compliance, and the likelihood the violation will recur.<sup>1</sup> Ultimately, the Commission's goal is to gain compliance going forward. Although the Company claims that a \$400 penalty creates a financial hardship, it has failed to demonstrate that it takes its reporting obligations seriously. This is the third consecutive year the company has been delinquent, which demonstrates a pattern of behavior that is unlikely to be curbed absent an escalated penalty. Accordingly, the Commission finds the penalty amount to be a reasonable deterrent to overlooking future filing deadlines and requirements.

## ORDER

### THE COMMISSION ORDERS:

- 7 (1) The request of All American Spirit Moving Co., LLC for mitigation of the \$400 penalty is DENIED.
- 8 (2) The penalty is due and payable no later than July 28, 2014.

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (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 July 14, 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.**