

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-140941
Against	)	
	)	ORDER 01
ALOHA JOE MOVERS, LLC	)	
	)	ORDER GRANTING
in the amount of \$500	)	MITIGATION TO \$125
.....	)	

**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 Aloha Joe Movers did not file its annual report on May 1, 2014. On June 4, the Commission assessed a penalty of \$500 against Aloha Joe Movers, calculated as \$100 per business day from May 1 to May 8, the date the Company’s report was received.
- 3 On June 17, 2014, Aloha Joe Movers responded to the Commission’s penalty assessment and requested mitigation based on the written information provided. The Company explained that its owner took an unexpected vacation for his wedding anniversary, and relied on his teenage daughter to mail the annual report. The Company also stated that business has been slow, and a \$500 penalty would impose a serious financial hardship. Finally, the Company provided assurances of future compliance.
- 4 On July 1, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$125, because the Company has no prior violations of WAC 480-15-480.

## 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 taken measures  
to ensure its report was timely filed.

6 The Commission nevertheless agrees with Staff's recommendation. The Commission  
may consider a number of factors when entertaining a request for mitigation,  
including a company's history of compliance, whether the violation was promptly  
corrected, a company's annual intrastate operating revenue, and the likelihood the  
violation will recur.<sup>1</sup> This is Aloha Joe Movers' first violation of WAC 480-15-480,  
and the Company promptly corrected the violation by filing its annual report and  
paying its regulatory and late fees in advance of receiving a penalty. In addition, the  
Company stated that the penalty would create a financial hardship. The  
Commission's goal is to obtain compliance, not create an insurmountable financial  
burden for a small company. Finally, the Company has been regulated since 2004;  
given its history of compliance, the violation is not likely to recur. In light of these  
factors, the Commission will exercise its discretion to reduce the penalty \$125.

## ORDER

### THE COMMISSION ORDERS:

- 7 (1) The request of Aloha Joe Movers, LLC for mitigation of the \$500 penalty is  
GRANTED in part, and the penalty is reduced to \$125.
- 8 (2) The penalty is due and payable no later than July 25, 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 11, 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.**