

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-140942
Against)	
)	ORDER 01
AMERICAN MOVING CO INC.)	
)	ORDER DENYING MITIGATION
in the amount of \$1,000)	
.....)	

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 American Moving did not file its annual report on May 1, 2014, and had not made that filing by May 15. On June 4, the Commission assessed a penalty of \$1,000 against American Moving, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 30, 2014, American Moving filed its annual report with no regulatory fee due, and responded to the Commission’s penalty assessment. The Company admitted the violations and requested mitigation based on the written information provided. The Company claimed that it did not have intrastate authority until June 2014, and therefore has nothing to report for 2013. The Company also stated it was unaware of the filing requirement, and was late responding to the penalty assessment because its office was closed for a two-week vacation.
- 4 On July 11, 2014, Commission Staff (Staff) filed a response recommending the Commission deny the Company’s request for mitigation. Staff explained that the Company late filed in 2013, and received a mitigated penalty at that time. Staff also noted that the Company has been permitted since 2011. Although the Company’s

permit was suspended for lack of insurance on January 21, 2014, in Docket TV-140100, the permit was subsequently reinstated on February 14.

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 its past violation.
- 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 the company's compliance history and the likelihood the violation will recur.¹ Here, the Company has a history of noncompliance; it received and paid a reduced penalty in 2013. Accordingly, we are not persuaded by the Company's inaccurate depiction of itself as a newly regulated company, or its claim it was unaware of Commission reporting requirements. The employee who submitted the Company's mitigation request in this docket requested mitigation for the same violation in 2013, at that time also stating she was not aware of the need to file an annual report. If the Company wishes to avoid future penalties, it should take whatever steps are necessary to fully educate itself on Commission rules and comply with them. Given the above circumstances, we find that the violations are likely to recur absent an escalated penalty. 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 American Moving for mitigation of the \$1,000 penalty is DENIED.
- 8 (2) The penalty is due and payable no later than August 1, 2014.

¹ 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 18, 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.