

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-140945
Against	)	
	)	ORDER 01
HEIDI ANN BERGMAN	)	
	)	ORDER GRANTING
in the amount of \$600	)	MITIGATION TO \$150
.....	)	

**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 Heidi Ann Bergman did not file its annual report on May 1, 2014. On June 4, the Commission assessed a penalty of \$600 against Heidi Ann Bergman, calculated as \$100 per business day from May 1 to May 9, the date the Company’s report was received.
- 3 On June 19, 2014, Heidi Ann Bergman responded to the Commission’s penalty assessment and requested mitigation based on the written information provided. The Company explained that its new owner acquired the business in March 2014 and was waiting for information from the previous owner before filing its annual report. The Company left a voicemail for Commission Staff (Staff) on May 2. Staff returned the Company’s call on May 9, and the Company filed its annual report that same day. The Company also stated that a \$600 penalty would create a financial hardship because of its status as a new business. Finally, the Company provided assurances that future reports will be timely filed.

4 On July 3, 2014, Staff filed a response recommending a penalty reduction to \$25 per day, or \$150. Staff explained that the Commission received an application to transfer ownership of Terry Munsell d/b/a Alice the Mover to Heidi Ann Bergman d/b/a Alice the Mover on January 10, 2014. Staff made its recommendation based on the ownership change and the Company's good faith efforts to comply with Commission rules.

### **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 timely requested an extension if it was unable to complete its annual report by May 1.

6 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected, a company's annual intrastate operating revenue, and the likelihood the violation will recur.<sup>1</sup> Heidi Ann Bergman 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 provided assurances of timely filings going forward, and we are satisfied with the Company's representations. In light of these factors, the Commission will exercise its discretion to reduce the penalty \$150.

### **ORDER**

#### **THE COMMISSION ORDERS:**

7 (1) The request of Heidi Ann Bergman for mitigation of the \$600 penalty is **GRANTED** in part, and the penalty is reduced to \$150.

---

<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

8 (2) The penalty is due and payable no later than July 28, 2014.

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.**