

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-140953
Against)	
)	ORDER 01
CROSSETTE, MATTHEW S.)	
)	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 Matthew S. Crossette 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 Matthew S. Crossette, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 23, 2014, Matthew S. Crossette sent an email to the Commission's Records Center requesting the Commission waive the \$1,000 penalty because the Company is relatively new and unable to pay.
- 4 On June 24, 2014, Matthew S. Crossette formally responded to the Commission's penalty assessment and requested mitigation, but failed to provide a written statement to support its request.
- 5 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 failed to provide a written statement supporting its request and, as of June 30, had not yet filed its annual report or paid its regulatory fee.

DISCUSSION

6 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.

7 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 whether the violation was promptly corrected and the likelihood the violation will recur.¹ Ultimately, the Commission's goal is the Company's compliance with its regulatory obligations. Here, the Company offers no explanation for its failure to timely file its annual report and pay its regulatory fee and remains in violation of the Commission rule requiring those filings. The Company has failed to provide any grounds for mitigating the assessed penalty and has demonstrated only that it refuses to take its reporting obligations seriously. Accordingly, the Commission finds the penalty amount to be a reasonable means of compelling Company compliance with Commission filing deadlines and requirements.

ORDER

THE COMMISSION ORDERS:

- 8 (1) The request of Matthew S. Crossette for mitigation of the \$1,000 penalty is DENIED.
- 9 (2) The penalty is due and payable no later than July 28, 2014.

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

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 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.