

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-140984
Against)	
)	ORDER 01
PUGET SERVICES, L.L.C.)	
)	ORDER DENYING MITIGATION
in the amount of \$1,000)	AND CORRECTING PENALTY
.....)	AMOUNT

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 Puget Services did not file its annual report on May 1, 2014, and made an incomplete filing on May 6. On May 13, Puget Services paid its regulatory and late payment fee, and on May 14, it filed a complete annual report. On June 6, the Commission assessed a penalty of \$1,000 against Puget Services, calculated in error as \$100 per business day from May 1 to May 15.
- 3 On June 20, 2014, Puget Services responded to the Commission's penalty assessment admitting the violations and requesting mitigation based on the written information provided. The Company explained that it mailed its annual report on May 1, but failed to include its intrastate mileage. The missing information was provided to Commission Staff (Staff) on May 14.
- 4 On July 7, 2014, Staff filed a response recommending the Commission deny the Company's request for mitigation. Staff explained that the Company was previously delinquent in 2013, and received a mitigated penalty at that time. Staff also noted that

there are nine business days between May 1 and May 14, the day the annual report was received. Accordingly, the penalty should have been \$900 for nine violations of WAC 480-15-480, rather than \$1,000 for ten violations.

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. The Company also should have known that the report must be received – not postmarked – by May 1 to be timely.
- 6 The Commission agrees with Staff’s recommendation, adopts the corrected penalty amount, 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 Ultimately, the Commission’s goal is to gain compliance going forward. Here, the Company has a history of noncompliance; it received and paid a reduced penalty in 2013. Accordingly, the violations are likely to recur absent an escalated penalty. The Commission finds the corrected penalty amount to be a reasonable deterrent to overlooking future filing deadlines and requirements.

ORDER

THE COMMISSION ORDERS:

- 7 (1) The request of Puget Services, L.L.C. for mitigation of the \$1,000 penalty is DENIED.
- 8 (2) The corrected penalty amount of \$900 is due and payable no later than July 29, 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 15, 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.