

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-140987
Against)	
)	ORDER 01
RECORD HAULING SERVICE, 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 Record Hauling Service did not file its annual report on May 1, 2014, and had not made that filing by May 15. On June 6, the Commission assessed a penalty of \$1,000 against Record Hauling Service, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 13, 2014, Record Hauling Service filed its annual report with no regulatory fee due.
- 4 On June 18, 2014, Record Hauling Service responded to the Commission’s penalty assessment and requested mitigation based on the written information provided. The Company explained that it did not receive the annual report form in the mail, and therefore forgot to file it.
- 5 On July 2, 2014, Commission Staff (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.

- 6 On July 11, 2014, after receiving Staff's recommendation, the Company remitted a payment of \$1,000 to the Commission.

DISCUSSION

- 7 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. The Company should not, however, rely on the Commission's notifications to ensure compliance.

- 8 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 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 penalty amount to be a reasonable deterrent to overlooking future filing deadlines and requirements.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request of Record Hauling Service, Inc. for mitigation of the \$1,000 penalty is DENIED.
- 10 (2) The penalty was paid in full on July 11, 2014.

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

11 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.