

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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|---------------------------------------|---|--------------------------|
| In the Matter of a Penalty Assessment |) | DOCKET TV-140991 |
| Against |) | |
| |) | ORDER 01 |
| STARVING STUDENTS, 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 Starving Students did not file its annual report on May 1, 2014, and had not made a complete filing by May 15. On June 4, the Commission assessed a penalty of \$1,000 against Starving Students, calculated as \$100 per business day from May 1 to May 15.
- 3 On May 15, 2014, Starving Students submitted an incomplete annual report and paid its regulatory and late payment fees. On June 25, the Company submitted its complete report.
- 4 On June 23, 2014, Starving Students responded to the Commission’s penalty assessment and requested mitigation based on the written information provided. The Company explained that the report was delayed due to an overwhelming work schedule.
- 5 On July 8, 2014, Commission Staff (Staff) filed a response recommending the Commission deny the Company’s request for mitigation. Staff explained that the

company was delinquent in 2013 and received a mitigated penalty. Staff also noted that the company had not provided any new, compelling information to support its request.

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 and its past violation.
- 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 a company's history of compliance and the likelihood the violation will recur.¹ Ultimately, the Commission's goal is to gain compliance going forward. Here, the Company filed late in 2013, and received a reduced penalty. The Company's compliance history demonstrates that the violation is likely to recur absent an escalated penalty. Accordingly, the Commission finds the penalty amount to be a reasonable deterrent to overlooking future filing deadlines and requirements.

ORDER

THE COMMISSION ORDERS:

- 8 (1) The request of Starving Students, Inc. 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.