

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-140995
Against)	
)	ORDER 01
TACOMA MOVING & STORAGE CO)	
)	ORDER GRANTING
in the amount of \$1,000)	MITIGATION TO \$250
.....)	

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 Tacoma Moving & Storage 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 Tacoma Moving & Storage, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 30, 2014, Tacoma Moving & Storage responded to the Commission’s penalty assessment admitting the violations and requesting mitigation based on the written information provided. The Company explained that it attempted to file its annual report online on April 29, and believed the transaction was successful. The Company also stated that the report would have been resubmitted sooner, but the person responsible for filing it was out of the office taking care of her elderly mother, post-surgery.
- 4 On July 11, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, due to the compelling circumstances presented by

the Company. Staff did not support full mitigation of the penalty because the Company late filed its annual report in 2013.

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 taken measures to ensure its electronic submission was timely received.
- 6 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance, whether the violation was promptly corrected, and the likelihood the violation will recur.¹ Although Tacoma Moving & Storage has a prior violation of WAC 480-15-480, the Company presented compelling circumstances that contributed to its late filing, and has since filed a complete annual report. Due to the Company's previous violation, we are not willing to waive the penalty in its entirety. The Commission will therefore exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 7 (1) The request of Tacoma Moving & Storage Co for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The penalty is due and payable no later than August 1, 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 18, 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.