

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-150899
Against)	
)	ORDER 01
CRATEAWAY, LLC)	
)	ORDER DENYING REQUEST FOR
in the amount of \$1,000)	HEARING; DENYING CONTEST
)	OF VIOLATION; GRANTING
.....)	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 27, 2015, 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, 2015, 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 CrateAway, LLC (CrateAway or Company) did not file an annual report on May 1, 2015, and had not made that filing by May 15. On May 27, the Commission assessed a penalty of \$1,000 against CrateAway, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 4, 2015, CrateAway responded to the Commission’s penalty assessment contesting the violations and requesting a hearing. The Company provided the following information:

“CrateAway is a storage service company. We store our customers’ boxes for a fee. We charge a pickup fee and a delivery fee and a storage fee for every box stored with us ... We do not pack items for our customers. We do not accept boxes that are not sealed and barcoded at the time of pickup ... We provide no additional services on top of the storage and pickup and delivery associated with that storage ... Furthermore, as of middle of May we have decided to change our business to provide only software service solutions and consulting and divest of any physical operational activity due to lack of enough interest for the storage by the box business in the market for us to operate successfully.”

4 On June 15, 2015, Commission Staff (Staff) filed a response recommending the Commission assess a reduced penalty of \$25 per day, or \$250, conditioned on the Company filing its annual report and paying any regulatory and late payment fees owed. Staff notes that CrateAway was granted temporary authority to operate a household goods moving company on November 19, 2014. The Company attended the Commission's household goods carrier training on March 18, 2015, during which both the requirements for filing an annual report and the process for voluntarily cancelling a permit were reviewed. The Company's representative signed the training document acknowledging that training was received in both of these areas.

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 ensured its complete annual report was received by May 1.

6 As a preliminary matter, we deny the Company's request for a hearing. The Commission's penalty assessment advised the Company that a request for hearing will only be granted if material issues of law or fact require consideration of evidence and resolution in hearing. Here, no issues of law or fact are in dispute. CrateAway admits that it has not yet filed its annual report. The Company's belief that its operations do not require a permit is irrelevant; so long as the Company is subject to regulation by the Commission, it is required to file an annual report and pay any regulatory fees due by May 1 of each year. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.

7 The Commission also denies CrateAway's contest of the violations. The undisputed facts demonstrate that, as of June 17, 2015, the Commission has not received the Company's annual report. The Company thus violated the law.

8 We will, however, construe the Company's submission as a request for mitigation and assess a reduced penalty. 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 Although CrateAway has not yet corrected the violations, we will provide it with an opportunity to do so. Because we

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

have granted mitigation to similarly situated companies in their first year of operation, the Commission will exercise its discretion to reduce the penalty to \$250 conditioned on the Company filing its complete annual report and paying any regulatory and late payment fees due no later than ten days from the date of this order. If the Company fails to file a complete annual report by that date, the remaining \$750 penalty will immediately become due and payable without further action by the Commission.

ORDER

THE COMMISSION ORDERS:

- 9 (1) CrateAway, LLC's request for a hearing is DENIED.
- 10 (2) CrateAway, LLC's contest of the violations is DENIED.
- 11 (3) CrateAway, LLC's request for mitigation is GRANTED, in part, and the penalty is reduced to \$250 conditioned on CrateAway, LLC filing a complete annual report and paying any regulatory and late payment fees due no later than June 29, 2015. If CrateAway, LLC fails to complete its filing by that date, the remaining \$750 penalty will become due and payable on June 30, 2015, without further action by the Commission.
- 12 (4) The \$250 penalty is due and payable no later than June 29, 2015.
- 13 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 June 18, 2015.

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.