

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-150909
Against)	
)	ORDER 01
GERALD M. JAHN d/b/a SPOKANE)	
MOVERS)	ORDER GRANTING
)	MITIGATION TO \$75
in the amount of \$300)	
)	
.....)	

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 Gerald M. Jahn d/b/a Spokane Movers (Spokane Movers or Company) late-filed its annual report on May 6, 2015. On May 29, the Commission assessed a penalty of \$300 against Spokane Movers, calculated as \$100 per business day from May 1 to May 6.
- 3 On June 12, 2015, Spokane Movers responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it employed a temporary staffing agency to complete its report following a staffing change with its bookkeeper on April 27, 2015. The report was late-filed due to the staffing change.
- 4 On June 26, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$75, because the Company has no prior violations of WAC 480-15-480.

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 annual report was timely filed, regardless of employee turnover.
- 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 This is Spokane Movers' first violation of WAC 480-15-480. In addition, the Company has been regulated since 2001; given its history of compliance, the violation is not likely to recur. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$75.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Gerald M. Jahn d/b/a Spokane Movers' request for mitigation of the \$300 penalty is GRANTED in part, and the penalty is reduced to \$75.
- 8 (2) The penalty is due and payable no later than July 9, 2015.
- 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 June 29, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

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

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.