

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-150922
Against)	
)	ORDER 01
MOVING & STORAGE SOLUTIONS,)	
INC.)	ORDER DENYING MITIGATION
)	
in the amount of \$500)	
.....)	

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 Moving & Storage Solutions, Inc. (Moving & Storage Solutions or Company) filed its annual report late on May 8, 2015. On May 29, the Commission assessed a penalty of \$500 against Moving & Storage Solutions, calculated as \$100 per business day from May 1 to May 8.
- 3 On June 8, 2015, Moving & Storage Solutions responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company acknowledged that it overlooked the deadline, and requested a reduced penalty.
- 4 On June 17, 2015, 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 2014, and received and paid a mitigated penalty in 2013. Staff also noted that the Company did not present any new information for the Commission to consider.

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 received by May 1.

6 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, whether the violation was promptly corrected, 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 of \$25 in 2013, then received and paid a \$600 penalty in 2014. Accordingly, the violations are likely to recur absent imposition of the full penalty. The Commission finds the penalty amount to be a reasonable deterrent to overlooking future filing deadlines and requirements.

ORDER

THE COMMISSION ORDERS:

7 (1) Moving & Storage Solutions, Inc.'s request for mitigation of the \$500 penalty is DENIED.

8 (2) The \$500 penalty is due and payable no later than July 17, 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 July 7, 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.