



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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July 15, 2016

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. America's Elite, Inc.*

Commission Staff's Response to Application for Mitigation of Penalties TV-160614

Dear Mr. King:

On June 28, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TV-160614 against America's Elite, Inc. for ten violations of Washington Administrative Code (WAC 480-15-480), which requires household goods carrier companies to furnish annual reports and the regulatory fee to the commission no later than May 1 each year, or in this case, May 2 as May 1 was a Sunday.

On June 30, 2016, America's Elite, Inc. wrote the commission requesting mitigation of penalties. In its mitigation request, America's Elite, Inc. does not dispute the violation occurred. The company states, "...We ask to please consider a reduction of our fine. Due to the penalty we incurred last year we were very prompt about getting it done and thus it was put in the mail a week after receiving it. We did not send it certified thus we are unable to track it."

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 29, 2016, Annual Report packets were mailed to all regulated household goods carrier companies. The instruction page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

The commission did not receive the annual report, nor the regulatory fee prior to May 2. On July 5, the commission received a complete annual report and payment of the outstanding regulatory fee. Commission staff spoke with America's Elite, Inc. on July 15. The company states that they have recently hired a person to complete the administrative duties and will file electronically in the future.

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America's Elite, Inc. has been active since 2014 and violated WAC 480-15-480 by filing their 2014 annual report late. The company applied for mitigation and their penalty was reduced to \$250. Although the company previously violated WAC 480-15-480, staff does not support any mitigation of the penalty. However, in consideration of the actions the company has taken, it is staff's recommendation that \$500 of the penalty is suspended and ultimately waived if the company files their 2016 annual report and pays the regulatory fee on or before May 1, 2017.

If you have any questions regarding this recommendation, please contact Sean Bennett, Regulatory Analyst, at (360) 664-1157, or sbennett@utc.wa.gov.

Sincerely,



Sondra Walsh, Director
Administrative Services