

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TV-160615
BEN'S MOVING & DELIVERY SERVICES, INC.	ORDER 01
in the amount of \$1,000	ORDER DENYING MITIGATION

BACKGROUND

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all household goods carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by Monday, May 2, 2016, 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 Ben's Moving & Delivery Services, Inc. (Ben's Moving or Company) did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 28, the Commission assessed a penalty of \$1,000 against Ben's Moving, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 5, 2016, Ben's Moving responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. In its response, the Company stated, "unfortunately, my business is not profitable yet; therefore I do not have an administrative assistant to receive and respond to my incoming correspondence. I have to do all administrative task myself on the weekdays or days that I don't have any moving jobs. I don't read or write English fluently therefore I was not aware of the deadline. My accountant will open all my bills and letters from now on. Please exonerate or reduce the \$1,000 penalty fee as paying this will really hurt me financially."
- 4 On July 15, 2016, Commission staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation because the Company received and paid penalties of \$200 and \$1,000 for violations of WAC 480-15-480 in 2014 and 2015, respectively. Staff noted that, according to the Company's 2015 annual report, it

had revenue of more than \$100,000, a net operating income of \$68,000, and no reported employees.

DISCUSSION

5 WAC 480-15-480 requires household good carriers to file annual reports and pay regulatory fees by May 1 of each year, or the first business day thereafter. Companies are responsible for complying with their legal obligations, and the Company should have taken steps to ensure its report was received by the deadline, particularly in light of the significant penalties it incurred for previous violations.

6 We agree with Staff's recommendation and deny the Company's request for mitigation. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected, a company's history of compliance, and the likelihood the violation will recur.¹ Ultimately, the Commission's goal is to deter repeat violations. Here, the Company has a history of non-compliance; it received and paid a \$200 penalty in 2014 and a \$1,000 penalty in 2015 for violations of WAC 480-15-480. Moreover, the Company has not presented any new or compelling information that would warrant a penalty reduction. The Company's claim that its business is not profitable is contradicted by the financial information it provided on its annual report form. Accordingly, we find the \$1,000 penalty to be an appropriate incentive for the Company to ensure timely filings going forward.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Ben's Moving & Delivery Services, Inc.'s request for mitigation of the \$1,000 penalty is DENIED.
- 8 (2) The \$1,000 penalty is due and payable no later than August 19, 2016.

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 August 5, 2016.

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.