

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TV-160622
THOMAS EARL HARRIS	ORDER 01
in the amount of \$1,000	ORDER GRANTING MITIGATION TO \$500

BACKGROUND

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all regulated household goods moving companies. 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 Thomas Earl Harris (Harris or Company) did not file an 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 Harris, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 8, 2016, Harris responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. In its request, the Company states, "I apologize for the mishap. I honestly do not recall getting your notice. I am a small company, one truck and myself. Being preoccupied with the welfare and health of elderly parents has distracted me of late. I am not making much income but would like to remain in service so I humbly request as much consideration as possible to resolve this issue and move on. I just paid my insurance, which was \$4,000. Another large payment along with regular expenses would be a hardship."
- 4 On July 28, 2016, Harris filed a complete annual report and paid the required regulatory fee.
- 5 On August 2, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$50 per day, or \$500. Although the Company received a penalty that was later waived for violations of WAC 480-15-480 in 2014, Staff supports a reduced penalty because the Company provided new information about its financial situation.

DISCUSSION

- 6 WAC 480-15-480 requires household goods 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 ensured its annual report was filed by the deadline.
- 7 The Commission nevertheless agrees with Staff's recommendation. 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 Although Harris received a penalty that was later waived for violations of WAC 480-15-480 in 2014, the Company corrected the violations at issue by filing its annual report and paying the required regulatory fee, and introduced new information related to the owner's personal and financial circumstances. In light of these factors, we find that a reduced penalty of \$500 is appropriate.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Thomas Earl Harris's request for mitigation is GRANTED, in part, and the penalty is reduced to \$500.
- 9 (2) The \$500 penalty is due and payable no later than August 26, 2016.
- 10 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 12, 2016.

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.