

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-110656
Against)	
)	ORDER 01
Moving and Storage Solutions, Inc.,)	
)	ORDER DENYING MITIGATION
in the amount of \$500.00.)	
.....)	

1 **Penalty.** On April 15, 2011, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in Docket TV-110656 in the amount of \$500 against Moving and Storage Solutions, Inc. (Moving and Storage Solutions or Company), for a violation of Washington Administrative Code (WAC) 480-15-570. This rule requires household goods carriers to comply with portions of Title 49, Code of Federal Regulations, including 49 CFR Part 382 (substance and alcohol use and testing). The Commission advised Moving and Storage Solutions that it was required to act within 15 days of receiving the notice either to pay the amount due, request a hearing to contest the alleged violation, or request mitigation to contest the amount of the penalty.

2 **Mitigation Request.** On April 22, 2011, Moving and Storage Solutions submitted a letter to the Commission admitting the violation but seeking to have the penalty waived because this was only the second Class A driver they had ever hired and the Company was unaware of the pre-employment drug testing requirement.

3 **Commission Staff Opposition to Mitigation.** Commission Staff filed a Response opposing the Company’s request for mitigation on April 28, 2011. According to Commission Staff, a representative from Moving and Storage Solutions attended the Commission’s household goods and tariff training in September 2010. This training included a discussion of drug and alcohol testing, and specifically the requirement for pre-employment drug testing.

4 **Commission Decision.** The Commission denies Moving and Storage Solutions’ request for mitigation. As pointed out by Commission Staff’s response, a Company representative received training regarding pre-employment drug testing requirements

for commercial drivers. The Commission provided this training only months prior to Commission Staff's compliance review of the company's terminal safety records and equipment. Moving and Storage Solutions was informed and should have been aware of this regulatory requirement.

- 5 The original \$500 penalty will not be reduced. That penalty is due and payable no later than June 30, 2011.
- 6 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 6, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.