

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-140940
Against	)	
	)	ORDER 01
ALLWEST TRANSPORTATION, INC.	)	
	)	ORDER GRANTING
in the amount of \$1,000	)	MITIGATION TO \$200
.....	)	

**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 28, 2014, 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, 2014, 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 Allwest Transportation did not file its annual report on May 1, 2014, and had not made that filing by May 15. On June 4, the Commission assessed a penalty of \$1,000 against Allwest Transportation, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 10, 2014, Allwest Transportation responded to the Commission’s penalty assessment and requested mitigation based on the written information provided. The Company explained that on April 15, 2014, it abruptly terminated its bookkeeper, and assumed the annual report had been completed and mailed well before that date.
- 4 On June 11, 2014, Allwest Transportation filed its annual report and paid both its regulatory and late payment fees.

5 On June 24, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$200 because the Company has no prior violations of WAC 480-15-480.

6 On June 26, 2014, after receiving Staff's recommendation, Allwest Transportation remitted a \$200 payment to the Commission.

### **DISCUSSION**

7 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 timely filed, regardless of staff turnover.

8 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance, whether the violation was promptly corrected, and the likelihood the violation will recur.<sup>1</sup> This is Allwest Transportation's first violation of WAC 480-15-480, and the Company has since filed its annual report and paid its regulatory and late payment fees. In addition, the Company has been regulated since 2005; given its history of compliance, the violation is not likely to recur. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$200.

### **ORDER**

#### **THE COMMISSION ORDERS:**

9 (1) The request of Allwest Transportation for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$200.

10 (2) The penalty was paid in full on June 28, 2014.

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

11 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 14, 2014.

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. 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 website.**