

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment     ) DOCKET TV-140950  
Against   )  
  ) ORDER 01  
CLANCY’S TRANSFER & STORAGE            )  
  ) ORDER GRANTING  
in the amount of \$100                        ) MITIGATION TO \$25  
.....   )

**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 Clancy’s Transfer & Storage did not file its annual report on May 1, 2014. On June 4, the Commission assessed a penalty of \$100 against Clancy’s Transfer & Storage, calculated as \$100 per business day from May 1 to May 2, the date the report was received.
- 3 On June 9, 2014, Clancy’s Transfer & Storage responded to the Commission’s penalty assessment and requested mitigation based on the written information provided. The Company explained that it mailed the report and regulatory fee on April 25, 2014, and believed that would be sufficient time to ensure both arrived by May 1.
- 4 On June 20, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$25 because the Company has no prior infractions of WAC 480-15-480.

5 On June 26, 2014, after receiving Staff's response to its mitigation request, Clancy's Transfer & Storage remitted a \$25 payment to the Commission.

### **DISCUSSION**

6 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 mailed its annual report in sufficient time to arrive at the Commission by close of business on May 1.

7 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 Clancy's Transfer & Storage's first violation of WAC 480-15-480. Because the Company attempted to comply with the May 1 filing deadline by mailing the annual report in advance of that date, the violation was promptly corrected, and only one violation accrued. Finally, the Company has been regulated since 2003; 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 \$25.

### **ORDER**

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

- 8 (1) The request of Clancy's Transfer & Storage for mitigation of the \$100 penalty is GRANTED in part, and the penalty is reduced to \$25.
- 9 (2) The penalty was paid in full on June 26, 2014.

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

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 July 8, 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.