**BEFORE THE WASHINGTON**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of a Penalty Assessment Against  MOVING & STORAGE SOLUTIONS, INC.  in the amount of $500  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . | )  )  )  )  )  )  )  ) | DOCKET TV-150922  ORDER 01  ORDER DENYING MITIGATION |

**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 27, 2015, 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, 2015, 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. Moving & Storage Solutions, Inc. (Moving & Storage Solutions or Company) filed its annual report late on May 8, 2015. On May 29, the Commission assessed a penalty of $500 against Moving & Storage Solutions, calculated as $100 per business day from May 1 to May 8.
3. On June 8, 2015, Moving & Storage Solutions responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company acknowledged that it overlooked the deadline, and requested a reduced penalty.
4. On June 17, 2015, Commission Staff (Staff) filed a response recommending the Commission deny the Company’s request for mitigation. Staff explained that the Company was previously delinquent in 2013 and 2014, and received and paid a mitigated penalty in 2013. Staff also noted that the Company did not present any new information for the Commission to consider.

**DISCUSSION**

1. 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 received by May 1.
2. The Commission agrees with Staff’s recommendation and denies the Company’s request for mitigation. The Commission may consider a number of factors when entertaining a request for mitigation, including the company’s compliance history, whether the violation was promptly corrected, and the likelihood the violation will recur.[[1]](#footnote-1) Ultimately, the Commission’s goal is to gain compliance going forward. Here, the Company has a history of noncompliance; it received and paid a reduced penalty of $25 in 2013, then received and paid a $600 penalty in 2014. Accordingly, the violations are likely to recur absent imposition of the full penalty. The Commission finds the penalty amount to be a reasonable deterrent to overlooking future filing deadlines and requirements.

**ORDER**

THE COMMISSION ORDERS:

1. (1) Moving & Storage Solutions, Inc.’s request for mitigation of the $500 penalty is DENIED.
2. (2) The $500 penalty is due and payable no later than July 17, 2015.
3. 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 7, 2015.

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.**

1. Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013). [↑](#footnote-ref-1)