

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of a Penalty Assessment Against | DOCKET TV-160610 |
| ABC MOVERS SEATTLE, LLC | ORDER 01 |
| in the amount of \$1,000 | ORDER GRANTING MITIGATION TO \$250 |

BACKGROUND

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all household goods carriers. 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 ABC Movers Seattle, LLC (ABC Movers or Company) did not file its 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 ABC Movers, calculated as \$100 per business day from May 2 to May 16.
- 3 On August 19, 2016, ABC Movers paid the required regulatory fee. Also on August 19, ABC Movers responded to the Commission's penalty assessment, admitting the violations and requesting mitigation of the penalty. The Company did not include a written explanation with its request.
- 4 On September 1, 2016, ABC Movers filed a complete annual report.
- 5 On September 2, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250. Although the Company failed to respond to the penalty assessment within 15 days of receipt and failed to provide a written explanation as required, Staff recommends the Commission grant the Company's request for mitigation, in part, because the Company has been active since 2014 and has no prior violations of WAC 480-15-480.

DISCUSSION

- 6 WAC 480-15-480 requires household good 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 report was filed by the due date.
- 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 Here, ABC Movers has since corrected the violation by filing its annual report and paying its regulatory fee. In addition, this is the Company's first violation of WAC 480-15-480 since it became regulated in 2014. Although the Company has a relatively brief history of compliance and did not provide any explanation for its late filing, we have routinely granted mitigation for first-time violations. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 8 (1) ABC Movers Seattle, LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 9 (2) The \$250 penalty is due and payable no later than September 21, 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 September 7, 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.