

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TV-160621
GRAEBEL/QUALITY MOVERS, LLC	ORDER 01
in the amount of \$1,000	ORDER GRANTING MITIGATION

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 Graebel/Quality Movers, LLC (Graebel or Company) filed an incomplete annual report on May 6, 2016, and did not make a complete filing by May 16. On June 28, the Commission assessed a penalty of \$1,000 against Graebel, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 8, 2016, Graebel responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. In its response, the Company states, "Graebel did not receive the report mailed on February 29, 2016, due to an address change. Graebel has provided notice of the new address on the 2015 HHG report. Graebel obtained a report and completed the information following the previous year's format. Graebel's fee and report was received by the WUTC on May 3rd, which one day of the May 2nd due date. Unfortunately, the email that was sent on May 10th to my email address from the WUTC went grouped as junk mail by Microsoft Outlook and being new with the company I did not realize that it was sent there until our CFO David Allen received an email. Once aware of the email I promptly provided the intrastate mileage and paid the invoice for an additional penalty of \$44.44."

- 4 On July 25, 2016, Commission staff (Staff) filed a response recommending the Commission grant the Company's request for mitigation because the Company introduced new information related to staffing changes and a new address. In addition, the Company has been active since 1991 and has no prior violations of WAC 480-15-480.

DISCUSSION

- 5 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 complete report was timely filed, despite changes in personnel or the Company's address.
- 6 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, Graebel corrected the violation by attempting to file its report and paying its regulatory fee prior to receiving the penalty assessment. In addition, this is the Company's first violation of WAC 480-15-480 since it became regulated in 1991. Given the Company's extensive history of compliance, the violations are unlikely to recur. In light of these factors, the Commission will exercise its discretion to grant mitigation of the penalty in full.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Graebel/Quality Movers, LLC's request for mitigation of the \$1,000 penalty is GRANTED.
- 8 (2) No penalty is due.

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

- 9 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 August 15, 2016.

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.