

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TV-160647
TREFETHEN & CO., INC.	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 Trefethen & Co., Inc. (Trefethen or Company) did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 29, the Commission assessed a penalty of \$1,000 against Trefethen, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 5, 2016, Trefethen 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, “I fully admit to not filing on time and apologize sincerely! This was an absolute mistake. I simply filed the report into my WUTC file and never completed or it or sent it in. Trefethen & Co., Inc. and Bader and Olson have been filing for over 30 years. This is the first time I have made this error and would appeal to you to grant some leniency on the \$1,000 fine based on our past record.”
- 4 On July 11, Trefethen filed a complete annual report and paid the required regulatory fee.
- 5 On July 18, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company has been active since 2008 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, Trefethen 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 2008. Given the Company's history of compliance, the violations are not likely to recur. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Trefethen & Co., Inc.'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 August 24, 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 August 10, 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.