

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment)	DOCKET TV-060980
Against)	
)	
WESTERN VAN LINES, INC.,)	ORDER 05
)	
in the Amount of \$100.00)	
)	ORDER DENYING MITIGATION
.....)	

1 **Penalty:** On July 5, 2006, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in the amount of \$100 against Western Van Lines, Inc., (Western) for one violation of WAC 480-15-480(4), which requires household good carriers to file annual reports with the Commission no later than May 1 of each year.

2 **Request for Hearing:** On July 10, 2006, Western filed a request for hearing. On July 28, 2006, the Commission Staff (Staff) filed its response to the request for hearing.

3 **Brief Adjudicative Proceeding:** On October 11, 2006, the Commission issued a notice of brief adjudication and scheduled the hearing for November 1, 2006. The hearing convened, as scheduled, and Western Moving and Staff presented testimony.

4 **Commission Decision:** At hearing, Western asserted that it thought it made the proper payment. Western submitted regulatory fees by check in the amount of \$317.08. The fees were received by the Commission on April 27, 2006. Western asserted that the 2005 annual report was enclosed with the regulatory fee payment. Western did not submit its filing by certified mail and did not have a copy of the annual report it submitted or other proof that the report was included with the fee payment.

5 Staff asserted that although the fees were received on April 27, 2006, the annual report was not received with the payment.¹ Staff contended that an incomplete annual

¹ Exhibit 1.

report was received after May 1, 2006. Therefore, Staff sent a letter on July 24, 2006, requesting additional information to complete the annual report.² To date, the Commission has not received the additional information.

- 6 The Commission concludes that Western has not presented good cause to mitigate the penalty assessment. Although the regulatory fees were remitted in a timely manner, the annual report was not. If the annual report had been sent with the regulatory fee payment, it would have been illogical for Western to submit a second, albeit incomplete annual report, after the filing deadline. Moreover, although Western received notification of the information necessary to complete the untimely filed annual report approximately three months ago, the additional information has not been filed to date. Accordingly, the penalty of \$100 is appropriate.
- 7 It is so ordered.

DATED at Olympia, Washington, and effective November 2, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge

² Exhibit 2.