

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-130961
Against	)	
	)	ORDER 01
AMERICAN MOVING INC.	)	
	)	ORDER GRANTING PARTIAL
in the amount of \$1800	)	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 March 1, 2013, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all household goods carriers. The cover letter accompanying the forms reminded companies to file their annual reports and pay their regulatory fees by May 1, 2013, and detailed potential penalties companies faced if they failed to file by that date. The penalties include an assessment of \$100 for each violation of Commission rules, and in the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.
- 2 On May 10, 2013, the Commission notified American Moving, Inc. (American or Company) that the Company’s annual fee and regulatory report were overdue, and that, as a consequence, the company was subject to enforcement action. The notice stated that companies that filed no later than May 24, 2013, would receive mitigated penalties of \$25 per day, or if they filed after May 24, 2013, first-time late filers, such as American, would receive mitigated penalties of \$50 per day.
- 3 On August 6, 2013, the Commission assessed a penalty of \$1,800 against American, calculated as \$100 per business day from May 1 to May 24.
- 4 On August 26, 2013, American responded to the Commission’s penalty assessment and requested a hearing. However, the Company did not explain or provide information to support its claim.

5 On September 6, 2013, the Commission issued a notice stating that because American had not provided a written statement, the Commission would deny the Company's request for a hearing. Nonetheless, the notice stated that the Commission would consider the Company's request for mitigation if it received a written submission of the reasons supporting mitigation no later than September 13, 2014.

6 On September 13, 2013, American provided a letter in support of its request for mitigation of the penalty. In the letter, American states that it conducted no business in Washington in 2012. The Company states that it had obtained its temporary authority and was in the process of making it permanent, but under the circumstances, did not know an annual report was nevertheless required.

### **DISCUSSION**

7 The Commission grants American's request in part. WAC 480-15-480 requires permitted household goods moving companies to file annual reports and pay regulatory fees by May 1 of each year regardless of whether the Company actually conducts business in Washington during a particular year. Companies are responsible for complying with their legal obligations, and the Company should have been aware of the need to file an annual report, particularly given the Commission's reminders. However, this is American's first infraction, and the Commission will exercise its discretion to reduce the penalty by half, to \$900.

### **ORDER**

#### **THE COMMISSION ORDERS:**

8 (1) The request of American Moving Co. Inc. for mitigation of the \$1,800 penalty is GRANTED in part, and the penalty is reduced to \$900.

9 (2) The penalty is due and payable no later than December 31, 2013.

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 December 17, 2013.

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. The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.**