

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-150930
Against)	
)	ORDER 01
NOWADNICK AND SONS, INC.)	
)	ORDER GRANTING
in the amount of \$800)	MITIGATION TO \$200
.....)	

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 February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all household goods carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2015, 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 Nowadnick and Sons, Inc. (Nowadnick or Company) filed its annual report late on May 13, 2015. On June 1, the Commission assessed a penalty of \$800 against Nowadnick, calculated as \$100 per business day from May 1 to May 13.
- 3 On June 11, 2015, Nowadnick responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it mistakenly believed its annual report was due on May 31.
- 4 On June 24, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$200, because the Company has no prior violations of WAC 480-15-480.

DISCUSSION

- 5 WAC 480-15-480 requires permitted household goods carriers to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations, and the Company should have ensured its annual report was timely filed.

6 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance, whether the violation was promptly corrected, and the likelihood the violation will recur.¹ This is Nowadnick's first violation of WAC 480-15-480, and the Company promptly filed its annual report when it realized its error. In addition, the Company has been regulated since 2009; given its history of compliance, the violation is not likely to recur. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$200.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Nowadnick and Sons, Inc.'s request for mitigation of the \$800 penalty is GRANTED in part, and the penalty is reduced to \$200.
- 8 (2) The penalty is due and payable no later than July 13, 2015.
- 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 July 2, 2015.

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.

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