

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of a Penalty Assessment Against | DOCKET TV-160625 |
| LILE INTERNATIONAL COMPANIES | ORDER 01 |
| in the amount of \$800 | ORDER DENYING REQUEST FOR HEARING; GRANTING MITIGATION TO \$400 |

BACKGROUND

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all regulated household goods moving companies. 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 Lile International Companies (Lile or Company) filed an incomplete annual report on May 3, 2016, and did not make a complete filing until May 12. On June 28, the Commission assessed a penalty of \$800 against Lile, calculated as \$100 per business day from May 2 to May 11.
- 3 On July 5, 2016, Lile responded to the Commission's penalty assessment, requesting a hearing and contesting the violations. In its request, the Company stated, "I show you received the documents on May 3, 2016." The Company attached a FedEx tracking form indicating that its annual report was delivered to the Commission on May 3.
- 4 On July 15, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$50 per day, or \$400. Although the Company received and paid penalties for violations of WAC 480-15-480 in 2013 and 2015, Staff supports a reduced penalty because Lile attempted to file on time and responded quickly with updated information when Staff notified the Company that its report was incomplete.

DISCUSSION

- 5 WAC 480-15-480 requires household goods 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 complete when filed.
- 6 As a preliminary matter, we deny the Company's request for a hearing. The Commission's penalty assessment advised the Company that a request for hearing will only be granted if material issues of law or fact require consideration of evidence and resolution in hearing. Here, no issues of law or fact are in dispute. Although the Company's evidence indicates that the Commission received its initial filing on May 3, the Company offered nothing to dispute the Commission's records that the Company's filing was not complete until May 11. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.
- 7 We will, however, construe the Company's submission as a request for mitigation and assess a reduced penalty. 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 Although Lile received and paid penalties for violations of WAC 480-15-480 in 2013 and 2015, the Company made a good faith effort to file its annual report by the due date and corrected the violations at issue prior to receiving the penalty assessment. In light of these factors, we believe a reduced penalty of \$400 is appropriate.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Lile International Companies' request for a hearing is DENIED.
- 9 (2) Lile International Companies' request for mitigation is GRANTED, in part, and the penalty is reduced to \$400.
- 10 (3) The \$400 penalty is due and payable no later than August 23, 2016.

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

- 11* 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 9, 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.