

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

PACIFIC MOVERS, INC.

in the amount of \$400

DOCKET TV-160635

ORDER 01

ORDER GRANTING MITIGATION

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 Pacific Movers, Inc. (Pacific Movers or Company) filed an incomplete annual report on May 2, 2016, and did not make a complete filing until May 6. On June 29, the Commission assessed a penalty of \$400 against Pacific Movers, calculated as \$100 per business day from May 2 to May 5.
- 3 On July 5, 2016, Pacific Movers 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, "the report was submitted on 5/2/2016 but the excel file developed an error as a result of the transmission. It was corrected on 5/6/2016, as soon as we were notified."
- 4 On July 19, 2016, Commission staff (Staff) filed a response recommending the Commission grant the Company's request for mitigation because the Company attempted to file its annual report before the deadline and has no prior violations of WAC 480-15-480.

DISCUSSION

- 5 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 complete 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 whether the violation was promptly corrected, a company's history of compliance, and the likelihood the violation will recur.¹ Here, Pacific Movers timely paid its regulatory fee, made a good faith effort to file its annual report by the due date, and has since corrected the violation by filing a complete report. In addition, this is the Company's first violation of WAC 480-15-480 since it became regulated in 2004. In light of these factors, the Commission will exercise its discretion to grant full mitigation of the penalty.

ORDER

THE COMMISSION ORDERS:

7 (1) Pacific Movers, Inc.'s request for mitigation of the \$400 penalty is GRANTED.

8 (2) No penalty is due.

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 August 10, 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.

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