

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TV-160794
WESTERN VAN LINES, INC.	ORDER 01
in the amount of \$1,000	ORDER DENYING 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 Western Van Lines, Inc. (Western Van Lines or Company) did not file an annual report on May 2, 2016, and had not made that filing by May 16. On May 31, Western Van Lines filed a complete annual report and paid the required regulatory fee. On June 28, the Commission assessed a penalty of \$1,000 against Western Van Lines, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 12, 2016, Western Van Lines 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, "we didn't receive any forms or packets from WUTC. After receiving the reminder notice, I filed the annual report and penalty (regulatory fee) on May 31, 2016."
- 4 On July 26, 2016, Commission staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation because the Company received and paid penalties of \$100 in 2004; \$100 in 2006; \$325 in 2012; and \$1,000 in 2014 for 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 not rely  
on reminders from the Commission to ensure compliance, particularly in light of the  
significant penalties it incurred for previous violations.

6 We agree with Staff's recommendation and deny the Company's request for mitigation.  
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.<sup>1</sup> Ultimately, the Commission's  
goal is to deter repeat violations. Here, the Company has a history of non-compliance; it  
received and paid penalties in 2004, 2006, 2012, and 2014 for violations of WAC 480-  
15-480. Moreover, the Company has not presented any new or compelling information  
that would warrant a penalty reduction. Accordingly, we find the \$1,000 penalty to be an  
appropriate incentive for the Company to ensure timely filings going forward.

**ORDER**

THE COMMISSION ORDERS:

- 7 (1) Western Van Lines, Inc.'s request for mitigation of the \$1,000 penalty is  
DENIED.
- 8 (2) The \$1,000 penalty is due and payable no later than August 29, 2016.
- 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 15, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

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

**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.**