

BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

In the Matter of PENALTY ASSESSMENT  
AGAINST William L. Sell, in the amount of  
\$100.00

DOCKET NO. TV-052022

COMMISSION STAFF'S  
RESPONSE TO WILLIAM L.  
SELL'S APPLICATION FOR  
MITIGATION

1 Pursuant to WAC 480-07-370(1)(c), Commission Staff submits this response to  
William L. Sell's Application for Mitigation.

**I. BACKGROUND**

2 On January 30, 2006, The Washington Utilities and Transportation Commission  
(Commission) assessed a penalty in the amount of \$100 against William L. Sell (William  
Sell) for failure to timely submit its annual report to the Commission. On February 3, 2006,  
William Sell filed an Application for Mitigation of Penalties. For the reason given below,  
Commission Staff (staff) supports fully mitigating the penalty assessed against William Sell.

3 Each year, in accordance with WAC 480-15-480, household goods carriers must file  
an annual report and pay regulatory fees by May 1. To assist companies with timely filing,  
and to comply with WAC 480-15-480(1)(b), the Commission sent each household goods  
carrier registered with the Commission a notice on March 3, 2005, with annual report forms  
attached.<sup>1</sup>

4 After May 1, the due date for filing annual reports and regulatory fees, the  
Commission sent out delinquency letters to each household goods company that had failed  
to timely submit its annual report.<sup>2</sup> In this letter, the Commission stated that the company

<sup>1</sup> See Declaration of Sheri Hoyt, Attachment A at Appendix A.

<sup>2</sup> Declaration of Sheri Hoyt, Attachment A at Appendix B.

had already incurred a penalty of 2% for failure to pay its regulatory fee by May 1 and that staff intended to recommend enforcement action against any company that failed to file its annual report by July 1.<sup>3</sup> The Commission sent out a delinquency letter on June 1, 2005, to William Sell.<sup>4</sup>

5           The Commission received William Sell's 2004 annual report on June 13, 2005.<sup>5</sup> The annual report, however, did not include the regulatory fee calculation sheet.<sup>6</sup>

6           On November 29, 2005, the Commission filed a Complaint and Order to Show Cause Why Permit Should Not Be Canceled For Failure to Pay Regulatory Fees and/or Failure to File 2004 Annual Report and Notice of Hearing that named William Sell as one of the delinquent respondents.<sup>7</sup> Commission records indicate that it received William Sell's regulatory fee calculation sheet on December 9, 2005.<sup>8</sup> William Sell owed no regulatory fees.<sup>9</sup> Because William Sell completed the annual report and regulatory fee filing by the date of the show cause hearing, it was dismissed from the proceeding.<sup>10</sup>

7           Because staff found that the annual report had been filed after the July 1 enforcement deadline, the Commission sent William Sell a Notice of Penalties.<sup>11</sup> In that notice, issued January 30, 2006, the Commission issued a penalty of \$100 for failure to timely file the 2004 annual report.<sup>12</sup>

---

<sup>3</sup> *Id.*

<sup>4</sup> Declaration of Sheri Hoyt, Attachment A at page 1.

<sup>5</sup> Declaration of Sheri Hoyt, Attachment A at page 1.

<sup>6</sup> *Id.*

<sup>7</sup> Declaration of Sheri Hoyt, Attachment A at Appendix C.

<sup>8</sup> Declaration of Sheri Hoyt, Attachment A at page 2.

<sup>9</sup> Declaration of Sheri Hoyt at ¶ 8.

<sup>10</sup> Declaration of Sheri Hoyt, Attachment A, Appendix D at ¶¶15 and 31.

<sup>11</sup> Declaration of Sheri Hoyt at ¶ 4.

<sup>12</sup> *Id.*

**II. ARGUMENT**

7            In its Application for Mitigation of Penalties, William Sell contends that it filed all of the forms that it received. William Sell explains that the company first realized it had missed the filing deadline when it received the June 1 delinquency letter. At that point, William Sell states, the company contacted the Commission to report that it had not received an annual report packet. William Sell claims that after staff faxed an annual report packet, he sent in all of the forms he received. Because staff believes William Sell’s explanation that he thought the Commission had received all required paperwork before the July 1 deadline, staff advocates full mitigation of the penalty.

**III. CONCLUSION**

8            Staff supports mitigating the entire assessed penalty of \$100. Accordingly, staff requests that William Sell’s Application for Mitigation of Penalties be granted.

DATED this 27<sup>th</sup> day of February, 2006, at Olympia, Washington.

Respectfully submitted,

ROB MCKENNA  
Attorney General

---

JENNIFER CAMERON-RULKOWSKI  
Assistant Attorney General  
Counsel for Washington Utilities and  
Transportation Commission  
(360) 664-1186