

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-150943
Against)	
)	ORDER 01
THE PIANO AND ORGAN MOVING)	
CO., INC.)	ORDER GRANTING
)	MITIGATION TO \$25
in the amount of \$100)	
.....)	

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 The Piano and Organ Moving Co., Inc. (Piano and Organ Moving or Company) late-filed its annual report on May 4, 2015. On June 1, the Commission assessed a penalty of \$100 against Piano and Organ Moving, calculated as \$100 per business day from May 1 to May 4.
- 3 On June 15, 2015, Piano and Organ Moving responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it mailed its report on April 27, 2015, and believed it should have arrived by May 1.
- 4 On June 26, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 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 taken steps to ensure its annual report was received by May 1.

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 Piano and Organ Moving's first violation of WAC 480-15-480. In addition, the Company has been regulated for more than 15 years; 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 \$25.

ORDER

THE COMMISSION ORDERS:

- 7 (1) The Piano and Organ Moving Co., Inc.'s request for mitigation of the \$100 penalty is GRANTED in part, and the penalty is reduced to \$25.
- 8 (2) The penalty is due and payable no later than July 10, 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 June 30, 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).