



STATE OF WASHINGTON

## UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

August 4, 2017

Steven V. King, Executive Director and Secretary  
Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Cherish Moving LLC*

Commission Staff's Response to Contested Violation TV-170516

Dear Mr. King:

On July 6, 2017, the Utilities and Transportation Commission issued a \$250 Penalty Assessment in Docket TV-170516 against Cherish Moving LLC for 10 violations of Washington Administrative Code (WAC 480-15-480), which requires household good companies to furnish annual reports and the regulatory fee to the commission no later than May 1 each year.

On July 18, 2017, Cherish Moving LLC wrote the commission contesting the violation. In its response, Cherish Moving LLC disputes that the violation occurred. The company stated that they had some difficulty getting the file to upload and that they believed it had successfully completed. Since this was their first year filing, they didn't know to expect a confirmation and the site is very different than all other WA state e-filings. The company then explains how they updated their address with the Commission and the change took place on 5/10/2017, however, the initial penalty notice was sent to their old address. The company contends, that the electronic communications are not connected correctly to their company file and that this issue prevented the company from being able to file electronically. Cherish Moving LLC then respectfully asks that the penalty be withdrawn as the company filed on time.

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 28, 2017, Annual Report packets were mailed to all regulated household good companies. The instructions page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 1, 2017, to avoid enforcement action.

When a company files electronically, they input their individual name, an email address, and the filing type into the cover sheet. Additionally, they upload the documents to be submitted to the

Commission. Once submitted, the screen refreshes and provides the company with their E-filing confirmation number. Additionally, the email address that was provided, receives a confirmation email confirming the submittal was received. This email outlines the document names that were uploaded and received by the commission. If company is unsure whether the annual report was filed, the company can contact Commission Staff to verify if the report was received and is complete.

Although the company attempted to file electronically on April 21, 2017, an annual report was not received. The “Notice of Penalties Incurred and Violations of Laws and Rules” was initially mailed to the old address due to Staff error, however, a company’s address has no impact on a company’s ability to file documents electronically. The company filed their complete annual report and paid the regulatory fee on June 13, 2017.

The Commission will only grant mitigation if the violations occurred due to circumstances beyond the company’s control. Cherish Moving LLC did not illustrate that they were unable to file their annual report and pay their regulatory fee due to circumstances beyond their control. The Commission recognizes that this is the company’s first violation of WAC 480-15-480 and accordingly, assessed a reduced penalty of \$250. Staff does not believe that further mitigation is warranted and does not recommend mitigation nor a reduction of the penalty.

If you have any questions regarding this recommendation, please contact Sean Bennett, Regulatory Analyst, at (360) 664-1157, or [sbennett@utc.wa.gov](mailto:sbennett@utc.wa.gov).

Sincerely,

/s/ Sean Bennett

Sean Bennett, Regulatory Analyst  
Administrative Services