

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TV-101791
TRANSPORTATION COMMISSION,)	
)	ORDER 01
Complainant,)	
)	
v.)	INITIAL ORDER SUSPENDING
)	PENALTIES SUBJECT TO
METROPOLITAN MOVERS, INC.,)	CONDITIONS
d/b/a THE FAMILY MOVERS,)	
)	
Respondent.)	
)	
.....)	

1 *Synopsis: This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Washington Utilities and Transportation Commission (Commission) or allowed to become effective as described in the notice at the end of this Order. This Order would suspend penalties totaling \$1,500 imposed by the Commission on January 4, 2011, for violations of rules and tariff requirements, subject to conditions that Metropolitan Movers, Inc. (Metropolitan Movers): (1) corrects each of the deficiencies identified in the investigation report and provides copies of all corrected forms to Staff no more than 30 days following the date of the Final Order on the Mitigation Request, and (2) attends household goods training on April 26, 2011, in Olympia.*

MEMORANDUM

2 Staff performed a routine compliance investigation of the business practices of Metropolitan Movers during 2010. Staff found violations of laws and rules enforced by the Commission and compiled its findings in an investigation report dated December 2010. In conjunction with the report, Staff recommended that the Commission assess penalties of \$100 per violation for 15 violations of rules and tariff requirements by Metropolitan Movers.

- 3 On January 4, 2011, the Commission assessed a penalty of \$1,500 against Metropolitan Movers for two failures to properly complete bills of lading as required by WAC 480-15-710, and thirteen failures to follow the terms, conditions, rates, and other requirements imposed by Tariff 15-C, as required by WAC 480-15-490(3). Based on Staff's investigation, the Commission determined that Metropolitan Movers violated WAC 480-15-710 in two ways: (1) failure to record customer method of payment and (2) failure to clearly identify charges for materials. Staff's investigation showed 13 items for which the company charged unauthorized rates in violation of WAC 480-15-490(3): tape, sofa bags, chair bags, cardboard, carpet mask, stretch wrap, packing materials, paper pads, fuel surcharge, tariff transportation allowance, additional van charge, and storage in transit.
- 4 On January 21, 2011, Metropolitan Movers filed an Application for Mitigation of Penalties (Mitigation Request), waiving a hearing and asking for an administrative decision on the information it presented. The company does not dispute that the violations occurred as described in Staff's investigation report. Metropolitan Movers asks for mitigation, however, stating the company's willingness to work with Staff to correct each of the deficiencies identified in Staff's investigation report and to bring the company into full compliance with Commission rules in the future. Metropolitan Movers says that it agrees to attend Commission-conducted household goods training. Metropolitan Movers says it is "dedicated to consumer quality, satisfaction, and protection," citing as evidence the fact that the company worked closely with the Commission to resolve the one consumer complaint identified in the investigation report.
- 5 Staff states in its response to Metropolitan Movers' Mitigation Request that it supports a full suspension of the penalty provided that Metropolitan Movers: (1) corrects each of the deficiencies identified in the investigation report and provides copies of all corrected forms to Staff no more than 30 days following the date of a Final Order on the Mitigation Request and (2) attends household goods training on April 26, 2011, in Olympia. Staff states that the violations appear to have been inadvertent and not intended to defraud, mislead, or misrepresent Metropolitan Movers' services to the public. Moreover, Staff argues mitigation is appropriate because Metropolitan Movers is taking immediate proactive steps to correct the violations identified in the penalty assessment.
- 6 A key goal in Commission enforcement actions in which penalties are imposed is to gain compliance with all applicable statutes and regulations. Where, as here, there does not appear to be a compelling need to enforce any part of the penalties assessed for the purpose of punishing past behavior, it is reasonable to suspend them in full, subject to the

condition of future compliance with all applicable legal requirements. Considering Staff's support for full suspension of the penalties imposed on the conditions described in the preceding paragraph, and the reasons Staff identifies for its support, the Commission determines that the public interest is served by accepting Staff's recommendation to grant full mitigation, as Metropolitan Movers requests.

ORDER

THE COMMISSION ORDERS THAT:

- 7 (1) The penalty of \$1,500 assessed against Metropolitan Movers by Notice issued January 4, 2011, is suspended subject to the Company:
- A. Correcting each of the deficiencies identified in Staff's investigation report.
 - B. Providing copies of all corrected forms to Staff no more than 30 days following the date this Order becomes final or the date of a Final Order by the Commission following review.
 - C. Attending household goods training at the Commission on April 26, 2011, in Olympia.
- 8 (2) If Metropolitan Movers fails to meet the conditions set forth in the preceding paragraph, the \$1,500 penalty will be deemed re-imposed without further action by the Commission and will be due from the company within 15 days after the Commission gives notice of non-compliance.
- 9 (3) The Commission retains jurisdiction to enforce the terms of this Order.

Dated at Olympia, Washington, and effective February 17, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

NOTICE TO THE PARTIES

This is an Initial Order. The action proposed in this Initial order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order, any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such an answer.

RCW 80.01.060(3) provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion. You will be notified if this order becomes final.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and (8) copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
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Olympia, WA 98504-7250