BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of a Penalty Assessment Against	) DOCKET TV-150911
	)
	) ORDER 01
JFS TRANSPORT, INC.	)
	) ORDER DENYING MITIGATION
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   JFS Transport, Inc. (JFS Transport or Company) filed its annual report late on May 4, 2015. On May 29, the Commission assessed a penalty of $100 against JFS Transport, calculated as $100 per business day from May 1 to May 4. The penalty assessment specified that requests for mitigation of the penalty must include a written explanation of the circumstances that gave rise to the violations, and must be submitted within 15 days of the date the penalty assessment was received.

3   On October 2, 2015, JFS Transport responded to the Commission's penalty assessment, admitting the violations and requesting mitigation. The Company, however, failed to provide any written explanation as required. On October 5, 2015, the Company paid the $100 penalty.

4   On October 5, 2015, Commission staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation. Staff explained that the Company was previously delinquent in 2012, and received and paid a reduced penalty at that time. Staff also noted that the Company did not present any new information for the Commission to consider, and filed its mitigation request well past the 15-day deadline.

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 ensured its annual report was
received by May 1. Moreover, the Company should have requested mitigation within 15
days of receiving the penalty assessment, and should have provided an explanation for its
late filing.

6   The Commission agrees with Staff's recommendation and denies the Company's request
for mitigation. The Commission may consider a number of factors when considering a
request for mitigation, including a company's compliance history and the likelihood the
violation will recur.[1] Ultimately, the Commission's goal is to gain compliance going
forward. Here, the Company has a history of noncompliance; it received and paid a
reduced penalty of $225 in 2012. Moreover, the Company filed its request for mitigation
more than four months after the penalty was served. Finally, the Company failed to
provide any new information for the Commission to consider. The Commission finds the
penalty reasonable in light of these circumstances.

ORDER

THE COMMISSION ORDERS:

7   (1)   JFS Transport, Inc.'s request for mitigation of the $100 penalty is DENIED.

8   (2)   On October 5, 2015, JFS Transport, Inc. paid the $100 penalty in full.
Accordingly, no penalty is due.

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[1] Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation
Commission (January 7, 2013).

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 October 12, 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.