

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-150947
Against	)	
	)	ORDER 01
WHIDBEY MOVING & STORAGE,	)	
INC.	)	ORDER GRANTING
	)	MITIGATION TO \$250
in the amount of \$1,000	)	
.....	)	

**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 Whidbey Moving & Storage, Inc. (Whidbey Moving or Company) did not file an annual report by May 1, 2015, and had not made that filing by May 15. On June 2, the Commission assessed a penalty of \$1,000 against Whidbey Moving, calculated as \$100 per business day from May 1 to May 15.
- 3 On May 28, 2015, Whidbey Moving filed its annual report and paid its regulatory and late payment fees. On June 8, Whidbey Moving responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company requested the penalty be waived because a change in the annual report form required additional time to gather the required information, and the Company did not know it could request an extension.
- 4 On June 17, 2015, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company has no prior violations of WAC 480-15-480. Staff noted that the Commission’s annual report form for 2014 was the same form the Company completed and timely filed in 2013.

### 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 timely filed.

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.<sup>1</sup> This is Whidbey Moving's first violation of WAC 480-15-480, and the Company filed its annual report and paid its regulatory and late payment fees prior to receiving the penalty assessment. In addition, the Company has been regulated since 1996; 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 \$250.

### ORDER

#### THE COMMISSION ORDERS:

7 (1) Whidbey Moving & Storage, Inc.'s request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.

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, 2015.

#### WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

**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.**