

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of PENALTY ASSESSMENT
AGAINST Hutson, Charles Edward d/b/a
Hutson & Sons Moving & Packing, in the
amount of \$200.00

DOCKET NO. TV-052016

COMMISSION STAFF'S
RESPONSE TO HUTSON & SONS
MOVING & PACKING'S
APPLICATION FOR MITIGATION

1 Pursuant to WAC 480-07-370(1)(c), Commission Staff submits this response to
Hutson & Sons Moving & Packing's Application for Mitigation.

I. BACKGROUND

2 On January 30, 2006, the Washington Utilities and Transportation Commission
(Commission) assessed a penalty in the amount of \$200 against Hutson, Charles Edward
d/b/a Hutson & Sons Moving & Packing (Hutson) for failure to timely submit its annual
report to the Commission. On February 3, 2006, Hutson filed an Application for Mitigation
of Penalties. For the reason given below, Commission Staff (staff) supports mitigating the
penalty assessed against Hutson.

3 Each year, in accordance with WAC 480-15-480, household goods carriers must file
an annual report and pay regulatory fees by May 1. To assist companies with timely filing,
and to comply with WAC 480-15-480(1)(b), the Commission sent each household goods
carrier registered with the Commission a notice on March 3, 2005, with annual report forms
attached.¹

4 Hutson submitted its 2004 annual report on May 4, 2005, but failed to pay its
regulatory fee. On June 1, 2005, the Commission sent out a delinquency letter to Hutson.²

¹ See Declaration of Sheri Hoyt, Attachment A at Appendix A.

² Declaration of Sheri Hoyt, Attachment A at Appendix B.

In this letter, the Commission stated that the company had already incurred a penalty of 2% for failure to pay its regulatory fee by May 1 and that staff intended to recommend enforcement action against any company that failed to file a completed annual report by July 1.³

5 On November 29, 2005, the Commission filed a Complaint and Order to Show Cause Why Permit Should Not Be Canceled For Failure to Pay Regulatory Fees and/or Failure to File 2004 Annual Report and Notice of Hearing that named Hutson as one of the delinquent respondents.⁴ Commission records indicate that it received Hutson's regulatory fees on December 19, 2005.⁵ Because Hutson completed the annual report and regulatory fee filing by the date of the show cause hearing, it was dismissed from the proceeding.⁶

6 Because staff found that the regulatory fees had been filed after the July 1 enforcement deadline, the Commission sent Hutson a Notice of Penalties.⁷ In that notice, issued January 30, 2006, the Commission issued a penalty of \$200 for failure to timely file the 2004 annual report.⁸ Shortly before the penalty assessment issued, the Commission canceled Hutson's household goods permit for failure to maintain insurance on file with the Commission.⁹

II. ARGUMENT

7 In its amended Application for Mitigation of Penalties, Hutson reports that its failure to maintain insurance on file with the commission, and the subsequent cancellation of Hutson's permit, resulted from an insurance company error. Because staff would not have

³ *Id.*

⁴ Declaration of Sheri Hoyt, Attachment A at Appendix C.

⁵ Declaration of Sheri Hoyt, Attachment A at page 2.

⁶ Declaration of Sheri Hoyt, Attachment A, Appendix D at ¶¶15 and 31.

⁷ See Declaration of Sheri Hoyt at ¶4.

⁸ Declaration of Sheri Hoyt at ¶4.

⁹ Declaration of Sheri Hoyt at ¶8.

assessed this penalty had staff been aware that the company no longer had operating authority, staff supports mitigating the penalty in full.

III. CONCLUSION

8 Staff supports mitigating the entire assessed penalty of \$200. Accordingly, staff requests that Hutson's Application for Mitigation of Penalties be granted.

DATED this 27th day of February, 2006, at Olympia, Washington.

Respectfully submitted,

ROB MCKENNA
Attorney General

JENNIFER CAMERON-RULKOWSKI
Assistant Attorney General
Counsel for Washington Utilities and
Transportation Commission
(360) 664-1186