

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-140957
Against	)	
	)	ORDER 01
EVERGREEN TRANSFER &	)	
STORAGE, INC.	)	ORDER GRANTING
	)	MITIGATION TO \$200
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 28, 2014, 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, 2014, 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 Evergreen Transfer & Storage did not file its annual report on May 1, 2014, and had not made that filing by May 15. On June 5, the Commission assessed a penalty of \$1,000 against Evergreen Transfer & Storage, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 6, 2014, Evergreen Transfer & Storage responded to the Commission’s penalty assessment and requested mitigation based on the written information provided. The Company explained that report forms were mailed to its old address, but nonetheless acknowledged it is the Company’s responsibility to file its report by May 1.
- 4 On June 20, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$200 because the Company has no prior violations of WAC 480-15-480.

## 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 been aware of the need to file an annual report without relying on the Commission's notifications. The Company must also promptly notify the Commission of any change of address.
- 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 Evergreen Transfer & Storage's first violation of WAC 480-15-480, and the Company filed its report and paid its regulatory fee prior to receiving the penalty assessment. In addition, the Company has been regulated since 2005; 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 \$200.

## ORDER

### THE COMMISSION ORDERS:

- 7 (1) The request of Evergreen Transfer & Storage, Inc. for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$200.
- 8 (2) The penalty is due and payable no later than July 24, 2014.

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<sup>1</sup> 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 July 10, 2014.

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. The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.**