

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TV-230319
MATT DETER D/B/A SPEEDY MOVERS LLC,	ORDER 01
in the amount of \$8,600	GRANTING MITIGATION, IN PART, TO \$5,600; IMPOSING AND SUSPENDING PENALTIES

BACKGROUND

- 1 On May 8, 2023, the Washington Utilities and Transportation Commission (Commission) assessed an \$8,600 penalty (Penalty Assessment) against Matt Deter d/b/a Speedy Movers LLC (Speedy Movers or Company) for violations of Washington Administrative Code (WAC) 480-15-630, Estimates; WAC 480-15-710, Bills of lading; and Tariff 15-C, Item 85 - Estimates, and Item 95 - Bills of Lading. The Penalty Assessment includes:
 - a \$4,300 penalty for 43 violations of WAC 480-15-630 and Tariff 15-C, Item 85 – Failing to include information on an Estimate as described in the Commission-published tariff;
 - a \$4,300 penalty for 43 violations of WAC 480-15-710 (3) and Tariff 15-C, Item 95 – Failing to include information on a Bill of Lading as described in the Commission-published tariff.
- 2 On May 23, 2023, the Company submitted a response to the Penalty Assessment, admitting the violations and requesting mitigation of the penalty (Application). In its response, the Company requested that the Commission base its decision on the information provided in the Application.
- 3 On June 5, 2023, Staff filed a response recommending the Commission grant the request for mitigation, in part, and assess a reduced penalty of \$5,600 for all 86 violations. Staff further recommends that the Commission suspend a \$2,000 portion of the penalty for two years, and then waive it, subject to the following conditions: (1) Speedy Movers must not incur repeat violations of WAC 480-15-620, WAC 480-15-710 (3), and Tariff 15-C, Item 85 and Item 95, and (2) the Company must pay the \$3,600 portion of the penalty that is not suspended within 10 days.

4 On July 3, 2023, Speedy Movers submitted a payment of \$3,600 towards the outstanding penalty.

DISCUSSION AND DECISION

5 The Commission considers several factors when entertaining a request for mitigation, including whether the company introduces new information that may not have been considered in setting the assessed penalty amount, or explains other circumstances that convince the Commission that a lesser penalty will be equally or more effective in ensuring the company's compliance.¹ The Commission also considers whether the violations were promptly corrected, a company's history of compliance, and the likelihood the violation will reoccur. We address each violation category below.

6 **WAC 480-15-620 and Tariff 15-C, Item 85.** The Penalty Assessment includes a \$4,300 penalty for 43 violations of WAC 480-15-620 and Tariff 15-C, Item 85, for failing to include information on an Estimate as required by Commission rules. In its Application, Speedy Movers acknowledged the violation, and provided the Commission with an updated Estimate form that corrected the deficiencies.

7 Staff recommends the Commission reduce this portion of the penalty to \$2,800. We agree. Although Staff reports that the Company ignored Staff's previous attempts to provide technical assistance regarding its Estimate form, the fact that the Company has updated its Estimate form to comply with Commission rules warrants some mitigation of this portion of the penalty. Accordingly, we grant the Company's request to mitigate this portion of the penalty, in part, and assess a \$2,800 penalty for 43 violations of WAC 480-15-620 and Tariff 15-C, Item 85.

8 **WAC 480-15-710 (3) and Tariff 15-C, Item 95.** The Penalty Assessment includes a \$4,300 penalty for 43 violations of WAC 480-15- 710(3) and Tariff 15-C, Item 95, for failing to include information on a Bill of Lading as required by Commission rules. In its Application, Speedy Movers acknowledged the violation and provided the Commission with an updated Bill of Lading form that corrected the deficiencies.

9 Staff recommends the Commission reduce this portion of the penalty to \$2,800. We agree. Although Staff reports that the Company ignored Staff's previous attempts to provide technical assistance regarding its Bill of Lading form, the fact that the Company has updated its Bill of Lading form to comply with Commission rules warrants some mitigation of this portion of the penalty. Accordingly, we grant the Company's request to

¹ Enforcement Policy ¶19.

mitigate this portion of the penalty, in part, and assess a \$2,800 penalty for 43 violations of WAC 480-15-710(3) and Tariff 15-C, Item 95.

- 10 **Suspension.** We also agree with Staff that suspending a portion of the penalty is appropriate. The Commission's interest in any enforcement action is compliance, and we find that suspending a portion of the penalty subject to the conditions recommended by Staff creates further incentive for the Company to comply with safety regulations. Accordingly, we suspend the remaining unpaid \$2,000 portion of the penalty for a period of two years and then waive it subject to the condition that Speedy Movers does not incur repeat violations of WAC 480-15-620, WAC 480-15-710(3), or Tariff 15-C, Item 85 or Item 95. Because the Company has already paid the remaining \$3,600 portion that was not suspended, no further payment is due at this time.

FINDINGS AND CONCLUSIONS

- 11 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service companies, including household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.
- 12 (2) Speedy Movers is a household goods carrier subject to Commission regulation.
- 13 (3) Speedy Movers violated WAC 480-15-620 and Tariff 15-C, Item 85, when it failed to include required information on its Estimate form 43 times.
- 14 (4) The Commission should penalize Speedy Movers \$2,800 for 43 violations of WAC 480-15-620 and Tariff 15-C, Item 85.
- 15 (5) Speedy movers violated WAC 480-15- 710(3) and Tariff 15-C, Item 95, when it failed to include required information on its Bill of Lading form 43 times.
- 16 (6) The Commission should penalize Speedy Movers \$2,800 for 43 violations WAC 480-15- 710(3) and Tariff 15-C, Item 95.
- 17 (7) The Commission should suspend the remaining unpaid \$2,000 portion of the penalty for a period of two years, and then waive it, subject to the condition that Speedy Movers does not incur any repeat violations of WAC 480-15-620, WAC 480-15-710 (3), and Tariff 15-C, Item 85 and Item 95 during that time.

ORDER

THE COMMISSION ORDERS:

- 18 (1) Matt Deter d/b/a Speedy Movers LLC's request for mitigation of the \$8,600 penalty is GRANTED, in part, and the penalty is reduced to \$5,600.
- 19 (2) The Commission suspends a \$2,000 portion of the penalty for a period of two years, and then waives it, subject to the condition that Matt Deter d/b/a Speedy Movers LLC does not incur any repeat violations of WAC 480-15-620, WAC 480-15-710 (3), and Tariff 15-C, Item 85 and Item 95 during that time.
- 20 (3) If Matt Deter, d/b/a Speedy Movers LLC fails to satisfy the condition in paragraph 19 of this Order, the suspended portion of the penalty will become immediately due and payable without further Commission order.
- 21 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Lacey, Washington, and effective August 10, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
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.