

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In re Penalty Assessment No.	)	DOCKET NO. TV-052022
TV-052022	)	
	)	ORDER NO. 01
WILLIAM L. SELL	)	
	)	
	)	ORDER GRANTING MITIGATION
.....	)	

- 1 On January 30, 2006, The Washington Utilities and Transportation Commission (Commission) assessed a penalty in the amount of \$100 against William L. Sell (William Sell) for one violation of WAC 480-15-480, which requires household goods carriers to file annual reports and pay regulatory fees to the Commission no later than May 1 of each year. Commission Staff sent William Sell a letter on June 1, 2005, with a due date of July 1, 2005, for filing its 2005 regulatory fee calculation sheet. Metropolitan filed its annual report on June 13, 2005 and regulatory fee calculation sheet on December 9, 2005.
  
- 2 On February 15, 2006, Bonnie L. Sell, Bookkeeper, filed a timely petition for mitigation of the penalty assessment. The petition does not seek a hearing and does not request a hearing to contest the factual basis of the penalties. The Company states that it did not receive an annual report packet prior to May 1 and was unaware that it had missed the deadline until it received the June 1 delinquency letter. At that point, the company contacted the Commission to report that it had not received an annual report packet. Commission Staff faxed an annual report packet to William Sell to complete and return. The Commission received the 2004 annual report on June 13, 2005, however, it did not include the regulatory fee calculation sheet. The Company states that the regulatory fee calculation sheet was not included in the faxed annual report packet and if it had it would have been returned with the annual report.
  
- 3 On February 27, 2006, Commission Staff responded to William Sell’s Application for Mitigation. Staff states it has no reason to doubt the company’s good faith

belief that it thought the Commission had received all required paperwork before the July 1 deadline. Accordingly, staff recommends that the penalty be fully mitigated.

- 4 The Commission accepts Staff's assessment of the carriers' intentions, and notes that this appears to be the carrier's first such failure. Accordingly, we mitigate the penalty.

### **ORDER**

- 5 The Commission grants the Application for Mitigation of Penalties of William L. Sell.

- 6 The Commission rescinds the penalty assessment and mitigates to zero the penalty assessed.

DATED at Olympia, Washington, and effective this 8th day of March, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

**NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.**