

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

In the Matter of Penalty Assessment)	DOCKET TV-101002
Against)	
)	
AMERICA’S MOVING MACHINES, INC.,)	ORDER 02
)	
in the Amount of \$100.)	ORDER DENYING APPLICATION FOR MITIGATION
)	
.....)	

MEMORANDUM

- 1 On June 30, 2010, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$100 against America’s Moving Machines, Inc. (America’s Moving) for violating WAC 480-15-480, which requires household goods carriers to file annual reports with the Commission by May 1 of each year.

- 2 On July 16, 2010, the Commission received from the company’s owner, Mr. Eduardo Ponce, a letter and a form requesting mitigation and waiving a hearing. In these filings, America’s Moving admits the violation and sets forth its reasons in support of mitigation. Mr. Ponce states he had a misunderstanding about when he was required to file an annual report and that he twice spoke to a gentleman from “the safety field” at the end of March 2010 and discussed his safety inspection. Mr. Ponce stated he had a temporary permit at that time and questioned whether he needed to file a 2009 report, and that it was not until he attended his first meeting with the Commission in January 2010, and again in February 2010, that he learned what type of appropriate paperwork and rules were required.

- 3 Commission Staff opposes America’s Moving’s Application for Mitigation for reasons set forth in a sworn Declaration by Sheri Hoyt, Consumer Program Specialist, Consumer Protection Section of the Commission. Ms. Hoyt states that the Commission’s records show an annual report packet was mailed to America’s Moving on February 26, 2010, to the company’s address of record: 19925 68th Avenue West, Lynnwood, Washington 98036. On March 31, 2010, the Commission

mailed a notice to America's Moving reminding it that the company's annual report was due May 1, 2010. Further, Commission records indicate that on May 14, 2010, the Commission sent a letter to the same address notifying America's Moving that its annual report was delinquent and that it must be postmarked by May 31, 2010, to avoid enforcement action.

4 According to Ms. Hoyt's Declaration, America's Moving applied for household goods authority on February 27, 2009. It was granted provisional permit status on July 22, 2009. Commission Compliance Staff conducted a Compliance Review for America's Moving on July 13, 2010. Ms. Hoyt states that Mr. Ponce attended mandatory new entrant household goods training at the Commission on December 2, 2009, and again on March 17, 2010. At the training, Commission Staff provided an overview of WAC 480-15 and Household Goods Tariff 15-C. Mr. Ponce was provided with a copy of the WAC, Tariff 15-C and the PowerPoint presentation that Staff uses for the training. Ms. Hoyt states that Annual Reports and Regulatory Fees are discussed during the training and are included in the Staff's PowerPoint presentation. The presentation includes the information that "[e]very company must file and pay fees" and that the annual reports and fees are "[d]ue by May 1st of each year for prior year's business." Each participant is required to turn in at the end of the training a "Verification of Training Received" form indicating that they received training on each subject as outlined. For both the December 2009 and March 2010 training, Mr. Ponce initialed the section titled, "Annual Reports & Regulatory Fees," indicating that he received training on the subject.

5 America's Moving failed to timely file its 2009 annual report. Commission records indicate the company received technical assistance regarding the filing of annual reports on December 2, 2009, and again as recently as March 17, 2010. Despite this, America's Moving did not meet the May 1, 2010, deadline for filing its annual report and did not request an extension of time. The violation occurred, and the penalty is appropriate. The Commission accordingly determines that America's Moving's Application for Mitigation should be denied.

ORDER

THE COMMISSION ORDERS THAT:

- 6 (1) Americas Moving Machines' Application for Mitigation is denied.
- 7 (2) Americas Moving Machines, Inc., is required, within ten business days
following the date this Order becomes final, to pay a penalty of \$100.
- 8 (3) The Commission retains jurisdiction to enforce this Order.

DATED at Olympia, Washington, and effective August 9, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Secretary

NOTICE TO PARTIES:

This an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than fourteen (14) days after the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only in 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 Web site.