



STATE OF WASHINGTON  
**UTILITIES AND TRANSPORTATION COMMISSION**  
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May 5, 2014

**NOTICE WITHDRAWING PENALTY**

RE: Apex Movers, LLC, Request for Mitigation of Penalty Assessment  
Docket TV-130963

TO ALL PARTIES:

On August 6, 2013, the Washington Utilities and Transportation Commission (Commission) issued and served a Penalty Assessment against Apex Movers, LLC (Apex Movers or Company) in the amount of \$50, alleging a violation of WAC 480-15-480, which requires permitted household goods companies to file annual reports with the Commission by May 1 each year and pay regulatory fees annually on that date.

On August 9, 2013, Apex Movers filed a request for mitigation of the penalty. Apex Movers states that it called the Commission in April 2013 and was told that the check and report only needed to be postmarked by May 1.

On September 4, 2013, Commission Staff filed a Response to Apex Mover's request for mitigation. Staff stated that on March 1, 2013, Annual Report forms and Regulatory Fee packets were mailed to all regulated household goods carriers, and that the cover letter informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2013. Staff does not support further mitigation.

On September 11, 2013, the Commission received the Company's payment in full of the assessed penalty.

On April 14, 2014, the Commission issued a letter stating that it interprets the Company's payment on September 11 as an indication that the Company is no longer requesting mitigation of the penalty. The Commission set a deadline of April 25, 2014, for Apex Movers to respond if it still wished to pursue its request for mitigation.

On April 25, 2014, Apex Movers filed a response stating that the Company would like all fees refunded. The Company states that it did call the Commission to inquire whether the check needed to be postmarked by May 1 or whether it needed to be received by May 1,

and was told that the check only needed to be postmarked by May 1. The Company states that it called the Commission again on August 7 to inquire the reason it was receiving a penalty assessment and was told that it was because its annual report and regulatory fee were due by May 1 and the Commission did not receive them until May 3. Commission Staff also informed Apex Movers that this was a change from the prior year practice and that Commission Staff should have been fully aware of this new requirement. Apex Movers states that it was further informed that the Company should pay the \$50 penalty assessment and complete the mitigation form.

The Commission withdraws the penalty assessed against Apex Movers. Although Apex Movers does not identify the Commission staff person who provided the incorrect information, we will accept the Company's representation that it received inconsistent information from the Commission in the course of the Company's efforts to comply with its regulatory obligations. The Commission's primary goal is to ensure such compliance, and we note the lack of any issue with the timeliness of the Company's filing this year since Apex Movers filed its 2013 annual report and regulatory fee by the May 1, 2014, deadline.

**THE COMMISSION GIVES NOTICE That the penalty of \$50 assessed against Apex Movers, LLC, is withdrawn. The Commission will refund the payment of the penalty to Apex Movers, LLC by separate mailing. Docket TV-130963 is closed.**

GREGORY J. KOPTA  
Director, Administrative Law Division