

**THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment	)	DOCKET TV-101007
Against	)	
	)	ORDER 02
QUALITY MOVING, INC.,	)	
	)	ORDER FINDING VIOLATION BUT
in the Amount of \$100.	)	SUSPENDING PENALTY, SUBJECT
	)	TO CONDITION
.....	)	

1 *Synopsis: This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Washington Utilities and Transportation Commission or allowed to become effective pursuant to the notice at the end of this Order. This Order determines that Quality Moving, Inc., violated WAC 480-15-480 by failing to timely file its 2009 annual report and is subject to a \$100 penalty as previously assessed. However, mitigating circumstances make it appropriate to suspend the penalty, subject to the condition that the company timely file its 2010 annual report.*

**MEMORANDUM**

2 On June 30, 2010, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$100 against Quality Moving, Inc. (Quality 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.

3 On July 19, 2010, Quality Moving filed with the Commission a Request for Hearing, in Docket TV-101007. Quality Moving indicated it did not believe a violation occurred, and requested a hearing be held. On July 22, 2010, Quality Moving filed an Amended Request for Hearing, specifying that although it is contesting the violation occurred, it waives hearing but requests a decision by an administrative law judge. The amended request states: “I sent the report on 4-30-10. I am not sure what happened to it, but I have enclosed a copy of it that I had on file.”

4 Commission Staff opposes Quality Moving’s filing for reasons set forth in a sworn Declaration by Sheri Hoyt, Consumer Program Specialist, Consumer Protection

Section of the Commission. Ms. Hoyt states that Commission records indicate that the Commission mailed an annual report packet to Quality Moving on February 26, 2010, to the address of record: 11200 Kirkland Way, Suite 340, Kirkland, Washington 98033. On March 31, 2010, the Commission mailed a notice to Quality Moving reminding it that the annual report was due May 1, 2010. Further, records indicate that on May 14, 2010, the Commission sent a letter to the same address notifying Quality Moving that its annual report was delinquent and that it must be postmarked by May 31, 2010, to avoid enforcement action. Quality Moving did not respond.

5 Ms. Hoyt states further that Commission records show Quality Moving applied for household goods authority on September 2, 2004, and was granted provisional permit status on November 19, 2004. Since then, the Company has been permitted to provide household goods moving services in Washington and has filed its annual reports by the May 1 deadline with the exception of report year 2005. Quality Moving's 2005 annual report was received on May 4, 2006.

6 Quality Moving provided a copy of its 2009 annual report dated April 30, 2010, with its Request for Hearing. The annual report indicates that Quality Moving had gross intrastate revenue of \$52,000, and therefore, it owed the Commission a regulatory fee of \$130.00. The annual report indicated that Quality Moving would pay the regulatory fee by credit card. Including the two percent late fee and two months of interest at one percent per month, the Commission processed the credit card payment in the amount of \$135.20 on July 10, 2010.

7 Quality Moving did not provide definitive verification that it mailed the 2009 annual report to the Commission in time to meet the May 1, 2010, deadline, or that the Commission received the report prior to receiving it with the Company's Mitigation Request. However, the company's representative stated under oath that he sent the report on April 30, 2010. The Commission's records show that the company has a good compliance history. Quality Moving paid its regulatory fee with reasonable promptness, suggesting the company's interest in remaining compliant with regulatory requirements.

8 On the basis of the evidence presented, the Commission determines that despite the company's belief that it filed its 2009 annual report on time, a violation did occur. However, given Quality Moving's apparent good faith and compliant behavior, both

before and after the subject penalty assessment, it is reasonable to suspend the penalty subject to the condition that Quality Moving timely file its next annual report. If it fails to do so, the suspended penalty will be imposed in addition to any additional penalty assessed for failure to file the next annual report by the May 1, 2011, deadline.

**ORDER**

**THE COMMISSION ORDERS THAT:**

- 9 (1) The Commission's penalty assessment of \$100, issued on June 30, 2010, because Quality Moving failed to timely file its 2009 annual report as required by WAC 480-15-480, is sustained.
- 10 (2) The \$100 penalty assessed in this matter is suspended subject to the condition that Quality Moving file its 2010 annual report by May 1, 2011. Should Quality Moving fail to do so, the penalty assessed pursuant to this Order will be enforced in addition to any penalties assessed for the subsequent violation.
- 11 (3) The Commission retains jurisdiction to enforce this Order.

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

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Senior Review Judge

**NOTICE TO THE PARTIES:**

This is an Initial Order. The action proposed in this Initial order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order, any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such an answer.

RCW 80.01.060(3) provides that an initial order will become final without further Commission action of no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion.

You will be notified if this order becomes final.

In addition, WAC 480-07-450(2) provides that a party who is found in default may contest the order of default by filing a written motion with the Commission within ten days after service of the Final Order. A dismissed party or party found in default may request that the order be vacated and, if the order is dispositive of the proceeding, that the proceeding be reopened for further process.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and (8) copies of any Petition or Answer must be filed by mail delivery to:

Attn: David Danner, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
1300 S Evergreen Park Drive, SW  
Olympia, WA 98504-7250