

Agenda Date: September 27, 2012
Item Number: B9

Docket: TV-120947
Petitioner: T & S Transportation & Installation, Inc.

Staff: Mathew Perkinson, Compliance Investigator

Recommendation

Issue an order in Docket TV-120947, rejecting further mitigation of T & S Transportation & Installation, Inc.'s penalty for its failure to timely file its 2011 annual report.

Background

On July 24, 2012, the Washington Utilities and Transportation Commission issued a \$2,100 Penalty Assessment in Docket TV-120947 against T & S Transportation & Installation, Inc. (T&S Transportation or company), for 21 violations of Washington Administrative Code (WAC) 480-15-480, which requires permitted household goods companies to furnish annual reports to the commission no later than May 1 each year.

On August 3, 2012, T&S Transportation wrote the commission requesting mitigation of the penalty.

T&S Transportation filed its annual report on Aug. 3, 2012. The company did not file its annual report by May 31, 2012, which is 21 business days past the deadline of May 1. The penalty is \$100 per day for a total of \$2,100. T&S Transportation has received three prior penalties for filing a delinquent annual report and repeat violations of WAC 480-15-480.

On Aug. 28, 2012, the commission granted the company's mitigation request in part by suspending one-half of the penalty subject to the condition that T&S Transportation files its 2012 annual report by May 1, 2013. The commission acknowledged the severe medical challenges the company faced in the preceding year. The commission noted that previous penalty assessments, albeit increasingly higher from year to year, were ineffective in bringing T&S Transportation into compliance.

On Sept. 11, 2012, the commission received a letter from Ray Tanner of T&S Transportation requesting commission review of the decision in Order 01.

Discussion

On Feb. 29, 2012, Annual Report forms and Regulatory Fee packets were mailed to all permitted household goods companies. The letter, in addition to other information, informed companies that they must complete the annual report form, pay any regulatory fees, and submit the materials to the commission by May 1, 2012, to avoid enforcement action. The letter also stated a

company may file a written request for an extension; however, the request must be filed with the commission by April 24, 2012, and must state a valid reason for why the extension is needed, along with the date the report will be filed. The commission received no request for an extension. It is the company's responsibility to ensure that the regulatory fee and the annual report are filed by the May 1 deadline.

On May 15, 2012, the commission mailed a letter to those companies that had not yet filed an annual report notifying them that, to date, they had incurred a penalty of \$900. The letter went on to explain that companies that filed annual reports no later than May 25, 2012, would receive mitigated penalties of \$25 per day, with an additional \$25 per day added for each instance in the previous five years that the company received a penalty for filing a late report.

Commission staff reviewed Order 01, in Docket TV-120947, and opposes any further mitigation of the suspended penalty. Staff does not find any information which would support further mitigation or reduction of the penalty.

Conclusion

Issue an order in Docket TV-120947, rejecting further mitigation of T & S Transportation & Installation, Inc.'s annual report penalty assessment.