

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TV-200990
SOUTH SOUND COLLEGE HUNKS, LLC, d/b/a COLLEGE HUNKS HAULING JUNK,	ORDER 01
in the amount of \$400	GRANTING MITIGATION TO \$200

BACKGROUND

- 1 On January 8, 2021, the Washington Utilities and Transportation Commission (Commission) assessed a \$400 penalty (Penalty Assessment) against South Sound College Hunks, LLC, d/b/a College Hunks Hauling Junk, (CHHJ or Company) for four violations of WAC 480-15-570, which adopts by reference sections of Title 49 Code of Federal Regulations (C.F.R.).¹ Specifically, the Penalty Assessment assesses a \$400 penalty for four violations of 49 C.F.R. § 391.45(a) because CHHJ used a driver who was not medically examined and certified on four occasions.
- 2 On January 11, 2021, CHHJ responded to the Penalty Assessment, admitting the violations and requesting mitigation of the penalty based on the written information provided. The Company explained that the uncertified driver will no longer be operating Company vehicles unless and until he obtains a medical certificate.
- 3 On January 14, 2021, Commission staff (Staff) filed a response recommending the Commission grant the Company’s request for mitigation, in part. Staff recommends the Commission mitigate the penalty by 50 percent and assess a total reduced penalty of \$200.

DISCUSSION AND DECISION

- 4 Washington law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Violations discovered during safety

¹ WAC 480-15-570 adopts by reference sections of Title 49 C.F.R. Accordingly, Commission safety regulations with parallel federal rules are hereinafter referenced only by the applicable provision of Title 49 C.F.R.

inspections are subject to penalties of \$100 per violation.² In some cases, Commission requirements are so fundamental to safe operations that the Commission will issue penalties for first-time violations.³ Violations defined by federal law as “critical” or “acute” meet this standard.⁴

5 The Commission considers several factors when entertaining a request for mitigation, including whether the company introduces new information that may not have been considered in setting the assessed penalty amount, or explains other circumstances that convince the Commission that a lesser penalty will be equally or more effective in ensuring the company’s compliance.⁵

6 Here, the Penalty Assessment includes a \$400 penalty for four violations of 49 C.F.R. § 391.45(a) because the Company used a driver who was not medically examined and certified on four occasions. The Company admitted the violations and expressed understanding that the employee at issue could not operate Company vehicles until he is medically examined and certified as required.

7 Staff recommends that the Commission reduce the penalty by half, from \$400 to \$200, because the Company took prompt corrective and preventative actions. Staff also notes that these are first-time violations.

8 We agree with Staff’s recommendation to mitigate the penalty. These are first-time violations that the Company has since corrected, and the Company provided assurance that it will change its practice going forward to ensure compliance. Accordingly, we reduce the penalty by half and assess a total penalty of \$200 for four violations of 49 C.F.R. § 391.45(a).

FINDINGS AND CONCLUSIONS

9 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service

² See RCW 81.04.405.

³ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶12, 15 (Jan. 7, 2013) (Enforcement Policy).

⁴ 49 C.F.R. § 385, Appendix B.

⁵ Enforcement Policy ¶19.

companies, including household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.

- 10 (2) CHHJ is a household goods carrier subject to Commission regulation.
- 11 (3) CHHJ violated 49 C.F.R. § 391.45(a) when it used a driver who was not medically examined and certified on four occasions.
- 12 (4) CHHJ does not dispute that the violations occurred.
- 13 (5) The Commission should assess a total penalty of \$200 against CHHJ for four violations of 49 C.F.R. § 391.45(a).

ORDER

THE COMMISSION ORDERS:

- 14 (1) South Sound College Hunks, LLC, d/b/a College Hunks Hauling Junk's request for mitigation of the \$400 penalty is GRANTED, in part, and the penalty is reduced to \$200.
- 15 (2) South Sound College Hunks, LLC, d/b/a College Hunks Hauling Junk, must pay the \$200 penalty within 10 days of the effective date of this Order.
- 16 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective January 15, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for

Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.