



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
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May 6, 2014

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v Apex Movers, LLC*
Commission Staff's Amended Response to Application for Mitigation of Penalties
Docket TV-130963

Dear Mr. King:

On Aug. 6, 2013, the Utilities and Transportation Commission issued a \$50 Penalty Assessment in Docket TV-130983 against Apex Movers, LLC (Apex) for two violations of Washington Administrative Code (WAC) 480-15-480, which requires household goods carriers to furnish annual reports to the commission no later than May 1 each year.

On Aug. 9, 2013, Apex Movers, LLC wrote the commission requesting mitigation of the penalty, but did not dispute that the violation occurred. The company stated, "Called in April not sure whom I spoke with, but asked if check and report just need to be postmarked by May 1st. I was told that it would not be considered late. However, I am no [sic] receiving notification of penalties for receiving on May 3rd."

On April 14, 2014, the commission sent a second letter to the company providing it with an additional opportunity to explain its request for mitigation. On April 25, 2014, the company submitted a second request for mitigation, explaining that, "I called approximately a week or more prior to the May 1st due date to inquire whether the check just needed to be postmarked by May 1st or if it truly needed to be in your office by May 1st. I had quite few things due approximately the same time and I was trying to schedule accordingly. Since the woman stated that the check only needed to be postmarked by May 1st, I put off getting it sent sooner to your

office to ensure it was there by May 1, 2013. I proceeded with mailing the documents and check by May 1st.”

Apex filed its annual report on May 3, which is two business days past the deadline of May 1, 2013. The penalty was mitigated from \$100 per day to \$25 per day, for a total of \$50. Staff’s initial recommendation did not support further mitigation; however, staff has since received information that a commission employee did, in fact, inform a number of regulated companies that their annual reports need only be postmarked by May 1. Because Apex relied on incorrect information provided by the commission, staff supports full mitigation of the penalty.

If you have any questions regarding this recommendation, please contact Rayne Pearson, Consumer Protection Manager, at (360) 664-1103, or rpearson@utc.wa.gov.

Sincerely,

Sharon Wallace, Assistant Director
Consumer Protection and Communications