

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Penalty Assessment)	DOCKET TV-101004
TV-101004)	
)	ORDER 01
)	
FIRST USA VANLINES, LLC.)	
)	INITIAL ORDER RESCINDING
)	\$100 PENALTY
.....)	

- 1 On June 30, 2010, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against First USA Vanlines, LLC (First USA or the Company) in the amount of \$100 for a violation of Washington Administrative Code 480-15-480 which required household goods carrier to file annual reports with the Commission by May 1 each year.

- 2 In the penalty assessment, the Commission alleged First USA failed to file its 2009 annual report by the May 1 deadline.

- 3 On July 7, 2010, the Commission received First USA’s application for mitigation requesting a hearing and waiving a hearing and requesting a decision by an Administrative Law Judge.¹ First USA attached a copy of its Annual Report dated March 2, 2010, and bearing a hand-written notation that the Report was mailed to the Commission on April 29, 2010. First USA’s 2009 annual report dated March 2, 2010, indicates that it had no Washington intrastate operations in 2009. On July 21, 2010, First USA filed an amended application for mitigation in which the Company requests that the penalty be revoked because it mailed its annual report to the Commission on April 29, 2010. On July 30, 2010, First USA waived its request for hearing and requested a decision by an Administrative Law Judge.

- 4 On August 3, 2010, the Commission Staff filed its response to First USA’s application for mitigation. Commission Staff supports First USA’s application for mitigation because the Company had no Washington intrastate operations in 2009 and therefore did not owe the Commission a 2010 regulatory fee. Commission Staff

¹ The application for mitigation requested both forms of relief.

asserts that because First USA was authorized to operate in Washington for only nine days in 2009, owed no regulatory fees for 2010, and stated that it mailed the Annual Report to the Commission on April 29, 2010, Commission Staff recommends the penalty assessment be mitigated in full.

- 5 Based on the foregoing, the Commission finds that the penalty assessment against First USA should be rescinded.

ORDER

- 6 The Commission rescinds the \$100 penalty assessment issued in this docket.

DATED at Olympia, Washington, and effective August 5, 2010.

PATRICIA CLARK
Administrative Law Judge

NOTICE:

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 answer.

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

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 two (2) copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250