

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint  
for Penalties against:

EUSTACIO GALEANA d/b/a WHITE  
MOUNTAIN MOVING

DOCKET TV-170170

ORDER 03

ORDER AMENDING ORDER 02

**BACKGROUND**

- 1 On March 28, 2017, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing. The Complaint alleged that Eustacio Galeana d/b/a White Mountain Moving (White Mountain or Company) violated RCW 81.80.075(1) by offering or advertising to provide household goods moving services without first obtaining a permit from the Commission.
- 2 On April 26, 2017, the Commission convened a hearing. That same day, the Commission issued Order 02, Stipulated Initial Order Classifying Respondent as a Household Goods Carrier; Ordering Respondent to Cease & Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02).
- 3 In Order 02, the Commission assessed a \$5,000 penalty, a \$4,000 portion of which was suspended for a period of two years on the condition that the Company cease and desist unpermitted operations and comply with a payment plan for the remaining \$1,000 portion of the penalty. Order 02 required the Company to make a \$200 payment on April 26, and to make two payments of \$400 each on May 26 and June 26, 2017.
- 4 White Mountain made its first payment of \$200 on April 26 and its second payment of \$400 on May 26, 2017.
- 5 On June 23, 2017, White Mountain contacted Commission staff (Staff) and requested an extension to pay the remaining \$400 balance due. White Mountain explained that it is experiencing financial hardship and is unable to make the remaining payment by the due date.

6 On June 28, 2017, Staff filed a letter recommending the Commission extend the due date for the final \$400 payment until July 26, 2017.

### **DISCUSSION AND DECISION**

7 We agree with Staff's recommendation and amend Order 02 to extend the deadline for White Mountain to pay the \$400 balance due until July 26, 2017. Because White Mountain sought an extension prior to the due date and Staff has no objection, we find that the Company's request is reasonable. Moreover, the Commission's goal of compliance would not be furthered by imposing the suspended portion of the penalty at this juncture. Instead, the Commission's compliance goals are best served by preserving the suspension of the remaining \$4,000 penalty to ensure the Company refrains from operating as a household goods carrier without a permit for two years from the date of Order 02. If the Commission finds that the Company is advertising or engaging in household goods moving services without a permit, the \$4,000 suspended portion of the penalty will immediately become due and payable by the terms of Order 02.

### **FINDINGS AND CONCLUSIONS**

- 8 (1) The Commission has jurisdiction over the subject matter of this proceeding and over White Mountain pursuant to RCW 81.04.510, RCW 81.80.010, and RCW 81.80.075.
- 9 (2) On April 26, 2017, the Commission issued Order 02, which required White Mountain to pay a \$5,000 penalty, a \$4,000 portion of which was suspended for a period of two years on the condition that the Company cease and desist unpermitted operations and comply with the payment plan for the remaining \$1,000 penalty.
- 10 (3) White Mountain is unable to make the final \$400 payment by the due date set out in Order 02.
- 11 (4) Because White Mountain is experiencing financial hardship and requested an extension prior to the due date, the Commission should amend Order 02 to extend the due date for the final \$400 payment until July 26, 2017, and preserve the suspension of the remaining \$4,000 portion of the penalty on the condition that the Company ceases and desists advertising or engaging in household goods moving services without a permit according to the terms of Order 02.

**ORDER**

THE COMMISSION ORDERS:

- 12 (1) Order 02 is amended to extend the due date for the final \$400 payment of the \$1,000 portion of the penalty that was not suspended until July 26, 2017. The remaining \$600 portion of the penalty that was not suspended has been paid in full. All other terms of Order 02 remain in full force and effect.
- 13 (2) The Commission retains jurisdiction over the subject matter and the parties to this proceeding to effectuate the terms of this Order.

DATED at Olympia, Washington, and effective July 3, 2017.

RAYNE PEARSON  
Administrative Law Judge