

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty	)	DOCKET TV-140988
Assessment Against	)	
	)	ORDER 01
SEATTLE SELECT MOVING LLC	)	
	)	INITIAL ORDER GRANTING
	)	MITIGATION
In the Amount of \$1,000	)	
.....	)	

1 **Background.** Washington law requires household goods carriers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-15-480. On February 28, 2014, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all household goods carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2014, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.

2 **Procedural History.** Seattle Select Moving LLC (Seattle Select or Company) did not file its annual report on May 1, 2014, and had not made that filing by May 15. On June 6, the Commission issued a penalty assessment against Seattle Select in the amount of \$1,000, calculated as \$100 per business day from May 1 to May 15.

3 On June 16, 2014, Seattle Select filed with the Commission a request for hearing. The Company explained that its failure to timely file its report was unintentional; the Company received its provisional permit in December 2013, and performed only six moves last year.

4 **Hearing.** Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determined that a brief adjudicative proceeding was appropriate for determining whether the penalty should be mitigated and what actions might be necessary to ensure that Seattle Select complies with its regulatory obligations. On July 28, 2014, the Commission issued a Notice of Brief Adjudicative Proceeding and set August 26,

2014, at 9:30 a.m. as the time for the parties to make oral statements concerning their positions.

5 **Evidence.** At hearing, the Company's owner, Michael Hanson, explained that he is a new business owner who is learning as he goes. Mr. Hanson acknowledged that he received the Commission's letter of February 28, 2014, but stated he set it aside and forgot about it. As of the date of the hearing, the Company had not yet filed its annual report.

6 Mr. Hanson testified that with Commission Staff's assistance, he would promptly file his annual report and pay his regulatory fee following the hearing.

7 Because this is Seattle Select's first violation of WAC 480-15-480, Commission Staff (Staff) testified in support of mitigating the penalty to \$250. Staff's recommendation was conditioned on the Company filing its annual report and paying all required fees by Friday, August 29, 2014.

8 Seattle Select filed its 2013 annual report and paid its regulatory fee on August 29, 2014.

9 **Decision.** Although Mr. Hanson took responsibility for his company's late filing at hearing, he expressed frustration with Commission rules and regulations. Mr. Hanson is encouraged to contact Commission Staff any time he has questions or concerns.

10 The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected and the likelihood the violation will recur.<sup>1</sup> The Company cured the violation by filing its annual report on August 29, 2014, after receiving assistance and clarification from Staff. Although Mr. Hanson provided no assurances of future compliance, we have consistently granted mitigation to similarly situated companies in their first year of operation. Moreover, a \$250 penalty is likely sufficient to deter repeat violations. Accordingly, we find mitigation to be appropriate in this case.

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

- 11 The penalty assessed against Seattle Select is therefore recalculated at a rate of \$25 per day for the 10 business days the company was late in filing its annual report. This results in a revised penalty in the amount of \$250.

**ORDER**

**THE COMMISSION ORDERS:**

- 12 (1) The \$1,000 penalty assessed against Seattle Select Moving LLC is mitigated to \$250.
- 13 (2) The penalty is due and payable by September 16, 2014.

DATED at Olympia, Washington, and effective September 2, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge

## NOTICE TO PARTIES

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 ten (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 **one** copy of any Petition or Answer must be filed by mail delivery to:

Attn: Steven V. King, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250