

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-150904
Against)	
)	ORDER 01
GUS & JACK MOVING COMPANY)	
LLC)	ORDER GRANTING
)	MITIGATION TO \$250
in the amount of \$1,000)	
.....)	

BACKGROUND

- 1 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 27, 2015, 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, 2015, 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 Gus & Jack Moving Company LLC (Gus & Jack or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On May 29, the Commission assessed a penalty of \$1,000 against Gus & Jack, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 2, 2015, Gus & Jack filed its annual report and paid both its regulatory and late payment fees. That same day, Gus & Jack responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. In its response, the Company stated, “I sent the annual report couple of months ago; I have no idea why you do not have it.”
- 4 On June 12, 2015, Commission Staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company has no prior violations of WAC 480-15-480.

DISCUSSION

- 5 WAC 480-15-480 requires permitted household goods carriers to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations, and the Company should have ensured its annual report was timely received by the Commission.
- 6 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance, whether the violation was promptly corrected, and the likelihood the violation will recur.¹ This is Gus & Jack's first violation of WAC 480-15-480, and the Company has since filed its annual report and paid its regulatory and late fees. In addition, the Company has been regulated since 2011; given its history of compliance, the violation is not likely to recur. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Gus & Jack Moving Company LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The penalty is due and payable no later than June 26, 2015.
- 9 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 June 16, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

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

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.