

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty)	DOCKET TV-140998
Assessment Against)	
)	ORDER 01
RICHARD D. WORRELL)	
)	INITIAL ORDER GRANTING
)	MITIGATION
In the Amount of \$200)	
.....)	

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.** Richard D. Worrell (Richard D. Worrell or Company) filed an incomplete annual report on April 28, 2014. On June 6, the Commission issued a penalty assessment against Richard D. Worrell in the amount of \$200, calculated as \$100 per business day from May 1 to May 5, the day the report was received.

3 On June 20, 2014, Mr. Worrell filed with the Commission a request for hearing. Mr. Worrell explained that his report was timely filed, but he overlooked the requirement to report his mileage for 2013. Mr. Worrell noted that he timely paid his regulatory fee, and stated he does not believe his error warrants a penalty that large.

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 Richard D. Worrell 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, Mr. Worrell testified that he inadvertently left the mileage portion of his annual report blank, and did not check his email and receive the notification that the report was incomplete until several days after submitting it. Mr. Worrell also noted that he failed to include the same information on his 2012 annual report without consequence.

6 Because this is Richard D. Worrell's first violation of WAC 480-15-480, Commission Staff (Staff) testified in support of mitigating the penalty to \$100.

7 **Decision.** The Commission finds mitigation to be appropriate in this case. Mr. Worrell took responsibility for his company's late filing and provided assurances that he will timely submit complete annual reports in the future.

8 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 Mr. Worrell's first violation of WAC 480-15-480, and he cured the violations immediately upon notification of the deficiency and prior to receiving a penalty. In addition, we are satisfied with Mr. Worrell's representations of compliance going forward.

9 The penalty assessed against Richard D. Worrell is therefore recalculated at a rate of \$50 per day for the two business days the company was late in filing its annual report. This results in a revised penalty in the amount of \$100.

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

ORDER

THE COMMISSION ORDERS:

- 10 (1) The \$200 penalty assessed against Richard D. Worrell is mitigated to \$100.
- 11 (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
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