

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-120947
Against	)	
	)	ORDER 03
T&S TRANSPORTATION &	)	
INSTALLATION, INC.,	)	ORDER MODIFYING ORDER 02
	)	AND APPROVING AGREED
in the amount of \$2,100.00.	)	PAYMENT PLAN
.....	)	

**MEMORANDUM**

- 1 **Penalty.** On July 24, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$2,100 against T&S Transportation & Installation, Inc. (T&S Transportation or Company), for violations of Washington Administrative Code (WAC) 480-15-480. This rule requires household goods carriers to file annual reports with the Commission by May 1 each year.
  
- 2 **Partial Mitigation.** On August 3, 2012, T&S Transportation filed a Commission form admitting the violations and requesting mitigation of the penalty amount. Commission Staff (Staff) opposed the request because it was not the Company’s first offense. On August 28, 2012, in recognition of the severe medical challenges faced by the Company’s principal, the Commission granted partial mitigation and halved the original penalty from \$2,100 to \$1,050 on condition that (a) T&S Transportation paid the mitigated penalty within 15 days following the date of Delegated Order 01 and (b) timely files its 2012 Annual Report no later than May 1, 2013.
  
- 3 **Denial of Further Mitigation.** On September 11, 2012, T&S Transportation filed a letter requesting review of Delegated Order 01. Staff opposed any further mitigation. On September 27, 2012, the Commission took up the Company’s request at its regularly scheduled open meeting and denied further mitigation of the penalty. The Company was required to pay the \$1,050 mitigated penalty no later than October 12, 2012, and is still required to timely file its 2012 Annual Report no later than May 1, 2013, else the suspended penalty will become due without further Commission action.

4 **Partial Payment and Request for Payment Arrangements.** On October 10, 2012, T&S Transportation submitted a partial payment of \$250 and requested payment arrangements to pay the remaining \$800 balance over a period of months. Staff reached an agreement with the Company that would require T&S Transportation to make the following monthly payments:

- \$250 – no later than November 15, 2012
- \$250 – no later than December 15, 2012
- \$300 – no later than January 15, 2013

On October 18, 2012, Staff and the Company submitted an agreed motion to modify Order 02 to reflect this payment schedule.

5 **Commission Determination.** The Commission will extend the time for T&S Transportation to pay the mitigated penalty of \$1,050. The Commission will adopt the parties' agreed installment payment schedule as submitted on the condition that the Company strictly adheres to the amounts and dates set out in the above-noted arrangement. If T&S Transportation misses any installment payment date, the entire remaining balance will become due and payable immediately.

### ORDER

THE COMMISSION ORDERS THAT:

- 6 (1) The penalty of \$2,100 assessed against T&S Transportation & Installation, Inc., on July 24, 2012, remains suspended in the amount of \$1,050 subject to condition that T&S Transportation files its 2012 annual report by May 1, 2013. If the company fails to timely file its 2012 annual report, the suspended penalty will become due without further action by the Commission.
- 7 (2) The remaining \$800 balance of the \$1,050 mitigated penalty assessed against T&S Transportation & Installation, Inc., is due and payable to the Commission in monthly installments subject to the amounts and due dates recited in the body of this order. If the Company is late or misses any installment payment, the entire remaining balance of the mitigated penalty amount will become due and payable without further action.

- 8 (3) The Commission delegates to its Secretary authority to enter this Order on behalf of the Commissioners under WAC 480-07-904(1)(h) and (j).

DATED at Olympia, Washington, and effective October 30, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

**NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.**

**The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.**