



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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August 28, 2015

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Willamette Express Ltd.*

Commission Staff's Response to Application for Mitigation of Penalties TV-150948

Dear Mr. King:

On June 2, 2015, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TV-150948 against Willamette Express Ltd. for 10 violations of Washington Administrative Code (WAC) 480-15-480 which requires household goods carrier companies to furnish annual reports to the commission no later than May 1 each year.

On August 7, 2015, Willamette Express Ltd. wrote the commission requesting mitigation of penalties. In its mitigation request, Willamette Express Ltd. does not dispute the violation occurred. The company's response states, "In all the years I have been operating under UBI 602-441-897, we have never filed a late Annual report. I have presented a check stub showing the date the fees were paid. Please consider this in your final decision by either reducing or eliminating it completely. After the economic conditions we have endured, this penalty is excessive and harmful to the company. I pray you consider our mail system and the inconsistencies we endure on a daily basis with our postal system".

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 27, 2015, Annual Report packets were mailed to all regulated household goods carriers. The instructions for annual report completion page of the annual report informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2015, to avoid enforcement action.

On June 9, 2015, Willamette Express Ltd. filed an incomplete annual report and paid the regulatory fees owed. Commission staff contacted the company regarding the discrepancy on June 9. A certified letter was sent by commission staff on July 27 again notifying the company of the discrepancy. On August 3, 2015, Willamette Express Ltd. filed a complete annual report.

UTC Annual Reports
August 28, 2015
Page 2

Willamette Express Ltd. has been active since 1999. The company previously missed the deadline to file its annual report and pay any regulatory fees during the 2011 and 2005 reporting years. Both penalties in the amount of \$100 were paid in full.

Willamette Express' mitigation response did not include additional information about the postal service which was discussed during a phone conversation on August 3, 2015 between the company and commission staff. The postal truck carrying the annual report for this company was reported (by Willamette Express) to have been in an accident on a Washington freeway which resulted in a fire and complete destruction of the vehicle. Company representative, Jon Calvin, indicated he contacted the postal service to inquire about his mail drop date and location and was informed his document was likely on the particular postal truck involved in the accident described above. On August 17, 2015, commission staff contacted the company via email requesting documentation from the post office confirming the postal truck incident.

As of August 28, 2015, Willamette Express Ltd. has not responded to the August 17 request for additional mitigation documentation. Without further documentation regarding the postal truck incident and due to prior violations of WAC 480-15-480, staff does not support the company's request for mitigation. However, due to the extraordinary circumstances, if Willamette Express is able to provide the requested documentation by September 11, 2015, staff would be amenable to reconsider the company's request and would recommend a reduced penalty assessment of \$50 per day for a total penalty assessment of \$500.

If you have any questions regarding this recommendation, please contact Amy Andrews, Regulatory Analyst, at (360) 664-1157, or aandrews@utc.wa.gov.

Sincerely,



Sondra Walsh, Director
Administrative Services