

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-150948
Against	)	
	)	ORDER 01
WILLAMETTE EXPRESS LTD.	)	
	)	ORDER DENYING MITIGATION
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 Willamette Express Ltd. (Willamette Express or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 2, the Commission assessed a penalty of \$1,000 against Willamette Express, calculated as \$100 per business day from May 1 to May 15.
- 3 On August 3, 2015, Willamette Express filed its complete annual report. That same day, the Company contacted the Commission and explained via telephone that it believed its annual report was timely mailed, but was subsequently destroyed in a postal truck fire. On August 7, the Company responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company stated it has never previously filed a late annual report, and requested leniency due to financial hardship. The written request did not mention the postal truck fire.
- 4 On August 28, 2015, Commission Staff (Staff) filed a response recommending the Commission deny the Company’s request for mitigation unless the Company produced documentation of the postal truck fire by September 11, 2015. Staff explained that the

Company was previously delinquent in 2006 and 2012, and received and paid penalties for those violations both years.

5 On September 10, 2015, the Company paid the \$1,000 penalty in full. As of September 14, 2015, the Company has not provided any documentation related to the postal truck fire.

### **DISCUSSION**

6 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 received by May 1, particularly in light of its past violations.

7 The Commission agrees with Staff's recommendation and denies the Company's request for mitigation. The Commission may consider a number of factors when entertaining a request for mitigation, including the company's compliance history and the likelihood the violation will recur.<sup>1</sup> Ultimately, the Commission's goal is to gain compliance going forward. Here, the Company failed to introduce any compelling circumstances to warrant mitigation of the penalty, despite being given more than 30 days to do so. Willamette Express also has a history of noncompliance; it received and paid penalties for filing late annual reports in 2006 and 2012. Accordingly, the violations are likely to recur absent an escalated penalty. The Commission therefore finds the penalty amount to be a reasonable deterrent to overlooking future filing deadlines and requirements.

### **ORDER**

#### **THE COMMISSION ORDERS:**

8 (1) Willamette Express Ltd.'s request for mitigation of the \$1,000 penalty is DENIED.

9 (2) The \$1,000 penalty was paid in full on September 10, 2015.

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

10 (3) No penalty is due.

11 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 September 14, 2015.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**STEVEN V. KING**  
Executive Director and Secretary

**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.**