

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

PMC MOVING, LLC,

in the amount of \$41,400

DOCKET TV-220303

ORDER 03

GRANTING PAYMENT
ARRANGEMENT

BACKGROUND

- 1 On May 9, 2022, the Washington Utilities and Transportation Commission (Commission) assessed a \$41,400 penalty (Penalty Assessment) against PMC Moving, LLC, (PMC or Company) for 421 violations of Washington Administrative Code (WAC) 480-15-555; WAC 480-15-560, which adopts by reference Title 49 Code of Federal Regulations (C.F.R.) Parts 393 and 396; and WAC 480-15-570, which adopts by reference 49 C.F.R. Part 391.¹
- 2 On May 13, 2022, PMC responded to the Penalty Assessment, admitting the violations and requesting the Commission convene an evidentiary hearing to determine the appropriate penalty amount. In its response, the Company admitted the violations and explained the corrective actions it took to prevent them from reoccurring. Commission staff (Staff) filed a response recommending the Commission assess a reduced penalty of \$21,000, and further recommending the Commission suspend a \$10,000 portion of the penalty for a period of two years, and then waive it, subject to certain conditions.
- 3 On June 9, 2022, the Commission entered Order 01, Order Granting Mitigation to \$20,850; Imposing and Suspending Penalty Subject to Conditions (Order 01). Order 01 directed the Company to either pay the \$10,850 portion of the penalty that was not suspended or file jointly with Staff a proposed payment arrangement within 10 days of its effective date.
- 4 On June 21, 2022, PMC filed with the Commission a petition for administrative review of Order 01. The Company challenged the Commission's finding that it committed 390

¹ This Order refers to Commission safety regulations that adopt federal rules only by the applicable section of Title 49 C.F.R.

violations of 49 C.F.R. § 391.45(a) for using a driver not medically examined and certified.

5 On August 1, 2022, the Commission entered Order 02, Final Order Denying Petition for Administrative Review (Order 02). Order 02 required PMC to either pay the \$10,850 portion of the penalty that is not suspended within 90 days or file jointly with Staff a proposed payment arrangement within 20 days.

6 On August 3, 2022, Staff contacted the Executive Director and Secretary of the Commission explaining that the Company requested to pay the penalty in 5 quarterly installments, and that Staff supports the request. The Company and Staff jointly propose the following payment schedule:

Installment	Due Date	Amount
1	October 3, 2022	\$2,000
2	January 3, 2023	\$2,000
3	April 3, 2023	\$2,000
4	July 3, 2023	\$2,000
5	October 3, 2023	\$2,850

7 Staff also proposes that if PMC fails to pay any installment by the due date, the entire balance, including the suspended penalty, will become due and payable immediately.

DISCUSSION

8 The installment payment schedule Staff and the Company propose is reasonable. Accordingly, the Commission approves the proposal with one modification. PMC may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make its timely monthly installment until the full amount of \$10,850 is satisfied.

ORDER

THE COMMISSION ORDERS THAT:

9 (1) The \$10,850 penalty is due and payable to the Commission in installments as set out in paragraph 6 above.

- 10 (2) If PMC Moving, LLC, fails to pay any installment by 5 p.m. on the date it is due, the unpaid balance, including the \$10,000 suspended portion of the penalty, will immediately become due and payable without further order by the Commission.
- 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 Lacey, Washington, and effective August 29, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
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.