

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper)	DOCKET TV-140345
Carrier Classification of, and Complaint)	
for Penalties against:)	ORDER 03
)	
CARRIE CREECH d/b/a COPE)	INITIAL ORDER AMENDING
QUALITY SERVICES)	ORDER 02
)	
.....)	

BACKGROUND

- 1 On April 4, 2014, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing. The Complaint alleged that Carrie Creech d/b/a Cope Quality Services (Cope Quality Services or Company) violated RCW 81.80.075(1) by offering or advertising to provide household goods moving services without first obtaining a permit from the Commission.

- 2 On May 6, 2014, the Commission convened a hearing. Following the hearing, the Commission issued Order 02, Stipulated Initial Order Classifying Respondent as a Household Goods Carrier; Ordering Respondent to Cease & Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02) on May 9, 2014.

- 3 In Order 02, the Commission assessed a \$5,000 penalty, a \$4,500 portion of which was suspended for a period of two years on the condition that the Company cease and desist unpermitted operations and comply with a payment plan for the remaining \$500 portion of the penalty. Order 02 required the Company to make an initial payment of \$50 on May 9, 2014, followed by three payments of \$150 each on June 9, July 9, and August 9, 2014.

- 4 On October 2, 2014, Commission Staff (Staff) filed a letter recommending the Commission impose the suspended portion of the penalty because the Company failed to make each of the three payments due in June, July, and August. On October 8, 2014, the Commission issued a letter to all parties regarding the Company’s failure to

comply with the terms of Order 02 and notified the Company that the full amount of the penalty, \$5,000, was immediately due and payable.

5 On October 9, 2014, the Company contacted the Commission and explained it was unaware the scheduled payments had not been made by its third-party payer. On October 17, 2014, the Company paid the remaining \$450 balance due.

6 On November 7, 2014, Staff filed a letter recommending the Commission amend Order 02 to accept late payment of the unsuspended portion of the penalty.

DISCUSSION AND DECISION

7 We agree with Staff's recommendation and amend Order 02 to accept late payment of the unsuspended portion of the penalty. The Commission's compliance goals are best served by preserving the suspension rather than imposing the \$4,500 penalty for a violation that has since been cured. If the Commission finds that the Company is advertising or engaging in household goods moving services without a permit, the \$4,500 suspended portion of the penalty will immediately become due and payable by the terms of Order 02.

FINDINGS AND CONCLUSIONS

8 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of this proceeding and over Cope Quality Services pursuant to RCW 81.04.510, RCW 81.80.010, and RCW 81.80.075.

9 (2) On May 9, 2014, the Commission issued Order 02, which required Cope Quality Services to pay a \$5,000 penalty, a \$4,500 portion of which was suspended for a period of two years on the condition that the Company cease and desist unpermitted operations and comply with the payment plan for the remaining \$500 penalty.

10 (3) Cope Quality Services failed to comply with the payment plan set forth in Order 02 when it missed three consecutive scheduled payments.

- 11 (4) Because Cope Quality Services has since come into compliance by paying the \$500 balance in full, the Commission should amend Order 02 to accept late payment of the unsuspended portion of the penalty.

ORDER

THE COMMISSION ORDERS THAT:

- 12 (1) Order 02 is amended to reflect a due date of October 17, 2014, for the \$500 unsuspended portion of the penalty. All other terms of Order 02 remain in full force and effect.
- 13 (2) The Commission retains jurisdiction over the subject matter and the parties to this proceeding to effectuate the terms of this Order.

DATED at Olympia, Washington, and effective December 11, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge

NOTICE TO THE 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*. Section (3) of the rule identifies what you must include in any petition as well as other requirements for a petition. WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the petition.

WAC 480-07-830 provides that before the Commission enters 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. The Commission will not accept answers to a petition to reopen unless the Commission requests answers by written notice.

RCW 80.01.060(3), as amended in the 2006 legislative session, 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.

You must serve on each party of record one copy of any Petition or Answer filed with the commission, including proof of service as required by WAC 480-07-150(8) and (9). To file a Petition or Answer with the Commission, you must file an original and **three (3)** copies of your Petition or Answer by mail delivery to:

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