

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of MVP MOVING AND STORAGE LLC For Compliance with WAC 480-15-560 and WAC 480-15-570	DOCKET TV-170039 <i>(Consolidated)</i> ORDER 03
In the Matter of the Penalty Assessment Against MVP MOVING AND STORAGE LLC In the amount of \$6,100	DOCKET TV-170038 <i>(Consolidated)</i> ORDER 03 ORDER GRANTING PAYMENT ARRANGEMENT

BACKGROUND

- 1 On April 6, 2017, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Order of Consolidation; Order Upgrading Safety Rating; Order Imposing and Suspending Penalties (Order 01). Order 01 required MVP Moving and Storage (MVP Moving or Company) to pay a \$6,100 penalty for 61 violations of WAC 480-15 and Title 49 C.F.R., a \$3,100 portion of which was suspended for two years conditioned on the Company (1) maintaining a conditional safety rating, (2) refraining from incurring repeat critical violations of WAC 480-15, and (3) paying the \$3,000 portion of the penalty that was non suspended within 10 days of the effective date of Order 01.
- 2 Order 01 became effective on April 27, 2017. Accordingly, the \$3,000 portion of the penalty that was not suspended was due no later than May 8, 2017. MVP failed to pay the \$3,000 penalty by the deadline. On May 31, 2017, the Commission entered Order 02, Order Imposing Suspended Penalty.
- 3 On June 27, 2017, MVP Moving made a \$3,100 payment and requested mitigation of the penalty or, in the alternative, that it be permitted to pay the remaining \$3,000 penalty in ten monthly installments of \$300 each.

- 4 On July 6, 2017, Staff contacted the Executive Director and Secretary of the Commission recommending the Commission deny the Company's request for further mitigation of the penalty, but grant its request for payment arrangements. The Company and Staff jointly propose the following payment schedule:

August 1, 2017	\$300
September 1, 2017	\$300
October 2, 2017	\$300
November 1, 2017	\$300
December 1, 2017	\$300
January 2, 2018	\$300
February 1, 2018	\$300
March 1, 2018	\$300
April 2, 2018	\$300
May 1, 2018	\$300

- 5 Staff also proposes that if MVP Moving misses one payment, the entire balance will become due and payable immediately.

DISCUSSION

- 6 As a preliminary matter, we deny the Company's request for further mitigation of the penalty. The terms of Order 01 clearly required that MVP Moving either pay the \$3,100 portion of the penalty that was not suspended or file jointly with Staff a mutually agreeable payment arrangement no later than May 8, 2017. MVP Moving failed to contact Staff to establish a payment arrangement or request an extension before the penalty was due, and thus violated the terms of Order 01.
- 7 We will, however, exercise our discretion to approve the installment payment plan that Staff and the Company propose, with two modifications. First, MVP Moving 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 timely monthly installments of \$300 until the full amount of \$3,000 is satisfied. Second, if MVP Moving fails to pay the penalty by the date it becomes due in full – either immediately upon a missed installment, or May 1, 2018, whichever applies – the Commission may cancel the Company's household goods permit.

ORDER

THE COMMISSION ORDERS THAT:

- 8 (1) The \$3,000 remaining balance of the \$6,100 penalty is due and payable to the Commission in installments as set out in paragraph 4, above.
- 9 (2) If MVP Moving and Storage, LLC fails to pay any installment by 5 p.m. on the date it is due, the unpaid balance will immediately become due and payable without further order by the Commission.
- 10 (3) If MVP Moving and Storage, LLC fails to pay any portion of the assessed penalty by the due date, the Commission may cancel the Company's household goods permit by order in this docket.
- 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 July 12, 2017.

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.