

Cement Distributors, Inc. – TV-041660
Staff Investigation - Annual Report/Regulatory Fees
September 17, 2004

Purpose

The purpose of this investigation is to determine if Cement Distributors, Inc. (Cement Distributors), is in violation of WAC 480-15-480, which requires household goods carriers to furnish annual reports to the Commission no later than May 1 each year.

Background

This investigation was prompted by Staff's yearly review of annual reports for household goods carriers registered in the state of Washington.

On March 9, 2004, the Commission mailed 2003 Annual Report forms and 2004 Regulatory Fee packets to household goods carriers in Washington State. A letter signed by Carole Washburn instructed companies to file annual reports by May 1, 2004 (Appendix A). Companies requesting an extension were asked to do so prior to May 1, providing a reason for the requested extension.

On June 8, 2004, a letter signed by Carole Washburn was sent to each household goods carrier that had not filed an annual report by May 1, 2004 (Appendix B). The letter stated that Staff intended to recommend enforcement action, including possible penalties, for any company that failed to file a completed annual report by July 1, 2004.

In July 2004, Licensing Services Staff reviewed annual reports and regulatory fees for household goods carriers, and compiled a list of companies that were out of compliance.

Investigation

As of May 1, 2004, Cement Distributors had not filed a 2003 annual report. The Commission mailed the Company a letter on June 8, stating that Staff intended to recommend enforcement action, including possible penalties, for any company that failed to file a completed annual report by July 1, 2004. Subsequently, Cement Distributors filed the annual report on July 19, 2004.

Recommendation:

Penalize Cement Distributors, Inc., \$100.00 for one violation of WAC 480-15-480.

Appendix A

March 9, 2004

Subject: 2003 Annual Report/2004 Regulatory Fees

Enclosed is your 2003 Household Goods Carrier annual report form. Every company subject to regulation by the Washington Utilities and Transportation Commission (Commission) must file an annual report. This annual report details gross intrastate operating revenue for the preceding calendar year. Regulatory fees based on that revenue are collected for the current year per RCW 81.80.321 and RCW 81.04.080. The regulatory fee order and annual report forms are available on the Commission's web site at www.wutc.wa.gov. The Commission will also send a paper copy of the approved order and additional annual report forms upon request.

You must file your annual report and pay regulatory fees by May 1, 2004. Perfunctory extensions will not be granted. If you need an extension, please file prior to May 1, 2004, providing a reason for requesting an extension. In granting an extension, the Commission will consider whether application of the rule imposes undue hardship on the requesting person, different from hardships imposed on similarly situated persons per WAC 480-15-480.

Inquiries regarding annual reports should be directed to 360-664-1201 or annualreports@wutc.wa.gov.

It is the Commission's policy to provide equal access to its services. If you need special accommodations, please call 360-664-1133. TTY Toll Free 1-800-416-5289.

Sincerely,

Carole J. Washburn
Executive Secretary

Enclosures

Appendix B

June 8, 2004

Dear Regulated Household Goods Carrier:

Every Household Goods Carrier subject to regulation by the Washington Utilities and Transportation Commission (Commission) is required by state law to file an annual report and pay regulatory fees by May 1st of each year. We mailed you the 2003 annual report form and 2004 regulatory fee calculation sheet on March 9, 2004. Our records indicate that you have not yet filed the completed annual report form and have not paid your regulatory fees for 2004.

You have already incurred a penalty of 2% of the total amount due for failure to pay your 2004 regulatory fees by May 1, 2004, and you will be charged interest at the rate of 1% per month on the delinquent balance until it is paid in full.

Commission staff also intends to recommend enforcement action, which may include penalties of up to \$100 per day and/or suspension or revocation of your authority to operate in Washington, against any household goods carrier that fails to file a completed annual report. In order to avoid this enforcement action, you must file your annual report as soon as possible, and no later than July 1, 2004.

Annual report forms are available on the Commission's web site at www.wutc.wa.gov. If you have questions or require additional information, please call (360) 664-1201 or e-mail us at annualreports@wutc.wa.gov.

Sincerely,

Carole J. Washburn
Executive Secretary