August 10, 2012

David W. Danner, Executive Director and Secretary

Washington Utilities and Transportation Commission

1300 S. Evergreen Park Dr. SW

P. O. Box 47250

Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. Metropolitan Movers, Inc.*

Commission Staff’s Response to Application for Mitigation of Penalties

Docket TV-120929

Dear Mr. Danner:

On July 24, 2012, the Washington Utilities and Transportation Commission issued a $400 Mitigated Penalty Assessment in Docket TV-120929 against Metropolitan Movers, Inc. for 16 violations of Washington Administrative Code (WAC) 480-15-480, which requires permitted household goods companies to furnish annual reports to the commission no later than May 1 each year.

On August 6, 2012[[1]](#footnote-1), Metropolitan Movers, Inc. wrote the commission requesting mitigation of penalties (Mitigation Request). In its Mitigation Request, Metropolitan Movers, Inc. does not dispute that the violation occurred. The company states, “1. Due to down-sizing, the person responsible for filing this report is no longer with the company, which resulted in a bit of confusion as to the actual filing deadline date (somehow believed to be May 31), and therefore a delay in the filing of the required annual report. We have since inputted the due dates with instructions and procedures onto our company calendar as a reoccurring event to avoid any recurrence of this incident in the future. 2. We believe this admitted mistake on our part will not be repeated, and given that we have already paid our regulatory fees of $146.46, we therefore humbly request that this penalty be waived.”

It is the company’s responsibility to ensure that the regulatory fee and the annual report are filed by the May 1 deadline. On February 29, 2012[[2]](#footnote-2), Annual Report forms and Regulatory Fee packets were mailed to all regulated permitted household goods companies. In addition to other information, the cover letter informed the regulated company it must complete the annual report form, pay any regulatory fees and return the material by May 1, 2012 to avoid enforcement action. On May 15, 2012[[3]](#footnote-3), the commission mailed a letter to those companies that had not yet filed an annual report notifying them that, to date, they had incurred a penalty of $900. The letter went on to explain that companies who filed their annual reports no later than May 25, 2012, would receive mitigated penalties of $25 per day, with an additional $25 per day for each instance in the previous five years that the company received a penalty for filing a late report.

Metropolitan Movers, Inc. filed its annual report on May 23, 2012, which is 16 business days past the deadline of May 1, 2012. The penalty was mitigated from $100 per day to $25 per day for a total of $400. Metropolitan Movers, Inc. has held permanent household goods authority since January 1999 and received a penalty for filing a delinquent annual report in 2005.

Based on the company’s delinquent annual report filling in the past, staff does not support mitigating the assessed penalty further and recommends the request be denied.

If you have any questions, please contact Mathew Perkinson, Compliance Investigator, at (360) 664-1105, or at Mperkinson@utc.wa.gov.

Sincerely,

Sharon Wallace, Assistant Director

Consumer Protection and Communications



**Attachment A**



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**Attachment B**

**Attachment C**

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1. See attachment A for a copy of Metropolitan Movers, Inc.’s Mitigation Request. [↑](#footnote-ref-1)
2. See attachment B for a copy of the letter sent to all regulated companies on February 29, 2012. [↑](#footnote-ref-2)
3. See attachment C for a copy of the enforcement letter sent to the company on May 15, 2012. [↑](#footnote-ref-3)