



STATE OF WASHINGTON  
**UTILITIES AND TRANSPORTATION COMMISSION**  
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • [www.utc.wa.gov](http://www.utc.wa.gov)

June 26, 2014

Steven V. King, Executive Director and Secretary  
Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Moving & Storage Solutions, Inc.*

Commission Staff's Response to Application for Mitigation of Penalties TV-140973

Dear Mr. King:

On June 5, 2014, the Utilities and Transportation Commission issued a \$900 Penalty Assessment in Docket TV-140973 against Moving & Storage Solutions, Inc. for 9 violations of Washington Administrative Code (WAC) 480-15-480, which requires household goods carrier companies to furnish annual reports to the commission no later than May 1 each year.<sup>1</sup>

On June 12, 2014, Moving & Storage Solutions, Inc. wrote the commission requesting mitigation of penalties (Mitigation Request).<sup>2</sup> In its Mitigation Request, Moving & Storage Solutions, Inc. does not dispute that the violation occurred. The company states, "I am asking for relief of penalty payments on the basis that it was simply a mistake in thinking it was filed and it ended up on the bottom of a stack and was never sent out. I believe we have always been on time over the last 10 years or so since we have been doing this report."

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 28, 2014, Annual Report packets were mailed to all regulated household goods companies. The instructions for annual report completion page of the annual report informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2014, to avoid enforcement action.

On May 14, 2014, Moving & Storage Solutions, Inc. filed the 2013 annual report and paid the required regulatory fees and late payment penalty. The company has been active since August 14, 2007. Moving & Storage Solutions, Inc. previously missed the deadline for filing its annual

<sup>1</sup>See attachment A for a copy of the penalty assessment sent on June 5, 2014

<sup>2</sup>See attachment B for a copy of Moving & Storage Solutions' Mitigation Request received on June 12, 2014

UTC Annual Reports  
June 26, 2014  
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report and paying its regulatory fees for the 2012 annual report year. The company received an automatic mitigation to \$25 per day for the 2012 report. Due to the prior violation and the company not presenting any compelling information, staff does not support any mitigation.

If you have any questions regarding this recommendation, please contact Amy Andrews, Regulatory Analyst, at (360) 664-1157, or [aandrews@utc.wa.gov](mailto:aandrews@utc.wa.gov).

Sincerely,

Sondra Walsh, Director  
Administrative Services

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<sup>1</sup>See attachment A for a copy of the penalty assessment sent on June 5, 2014

<sup>2</sup>See attachment B for a copy of Moving & Storage Solutions' Mitigation Request received on June 12, 2014

## ATTACHMENT A

### WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

#### NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: TV-140973  
PENALTY AMOUNT: \$900

Moving & Storage Solutions, Inc.  
3836 Williamson Way  
Bellingham, WA 98226

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-15-480, which requires household goods carrier companies to file their annual reports and pay regulatory fees each year by May 1. You did not file an annual report or pay regulatory fees by May 1, 2014.

Revised Code of Washington (RCW) 81.04.080 authorizes the Commission to assess penalties of \$100 for violations of Commission rules. Each violation is a separate and distinct offense and, in the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-15-480 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report or pay its regulatory fees after that date.

As a result, the Commission has assessed penalties against you in the amount of \$900 on the following basis:

On February 28, 2014, the Commission mailed the 2013 annual report forms and the 2014 regulatory fee packets to all household goods carrier companies registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports and pay regulatory fees by May 1, 2014. The instructions page also stated that failure to file the annual report by May 1 would result in penalties. The deadline for requesting an extension to file your annual report was April 17. You did not request an extension.

On May 14, 2014, Moving & Storage Solutions, Inc. filed its 2013 annual report and paid its 2014 regulatory fee. May 14 is 9 business days from May 1, resulting in a total penalty of \$900.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. The Commission will grant that request only if material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the reasons supporting that request.

<sup>1</sup>See attachment A for a copy of the penalty assessment sent on June 5, 2014

<sup>2</sup>See attachment B for a copy of Moving & Storage Solutions' Mitigation Request received on June 12, 2014

Failure to provide such a statement will result in denial of the request. If there is a reason for the violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. A request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection, which may file suit in state court to collect the penalty. The Commission may also initiate proceedings under WAC 480-15-450 to cancel your permit to operate as a household goods carrier in Washington.

DATED at Olympia, Washington, and effective June 5, 2014.

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DENNIS J. MOSS  
Administrative Law Judge

<sup>1</sup>See attachment A for a copy of the penalty assessment sent on June 5, 2014

<sup>2</sup>See attachment B for a copy of Moving & Storage Solutions' Mitigation Request received on June 12, 2014

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TV-140973

**PLEASE NOTE:** You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. **Payment of penalty.** I admit that the violations occurred. I have:

Enclosed \$ \_\_\_\_\_ in payment of the penalty

Submitted my payment of \$ \_\_\_\_\_ online at [www.utc.wa.gov](http://www.utc.wa.gov). My confirmation number is \_\_\_\_\_.

2. **Request for a hearing.** I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR  b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: \_\_\_\_\_ [month/day/year], at \_\_\_\_\_ [city, state]

\_\_\_\_\_  
Name of Respondent (company) – please print

\_\_\_\_\_  
Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

<sup>1</sup>See attachment A for a copy of the penalty assessment sent on June 5, 2014

<sup>2</sup>See attachment B for a copy of Moving & Storage Solutions’ Mitigation Request received on June 12, 2014

ATTACHMENT B

Office and residential moves  
Local, out-of-state and international destinations  
agent for **ARPIN**  
VAN LINES

**RECEIVED**  
2014 JUN 12 AM 8: 29

**MS** Moving & Storage Solutions Inc.  
Your relocation specialist.

Toll Free 888.676.5267  
Office 360.676.5267  
Fax 360.715.8888

**RECEIVED**  
JUN 12 2014

To: WUTC  
PO Box 47250  
Olympia, WA 98504-7250

FINANCIAL SERVICES

WASH. UT. & TP. COMM

From: Moving & Storage Solutions, Inc.  
Date: 6/5/2014  
Reason: Penalty Assessment

Dear Commission,

I am asking for relief of Penalty payments on the basis that it was simply a mistake in thinking it was filed and it ended up on the bottom of a stack and was never sent out. I had filled out the credit card part so I did not have to write a check and simply left the sheet on my desk and someone put papers on top and it was never mailed out.

I believe we have always been on time over the last 10 years or so since we have been doing this report.

We are struggling here financially and thought we may need to close our doors (that is why we paid with the credit card) so please please consider taking the penalty away.

Thanks for your consideration



David Powell

Owner

Moving & Storage Solutions, Inc.

360-676-5267

1365 Stonegate Way • Ferndale, WA 98248 USA • e-mail: [mss@movingstoragesolutions.com](mailto:mss@movingstoragesolutions.com)



[www.movingstoragesolutions.com](http://www.movingstoragesolutions.com)



<sup>1</sup>See attachment A for a copy of the penalty assessment sent on June 5, 2014

<sup>2</sup>See attachment B for a copy of Moving & Storage Solutions' Mitigation Request received on June 12, 2014