



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 • TTY (360) 586-8203

July 15, 2016

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. Bens Moving & Delivery Services, Inc.*

Commission Staff's Response to Application for Mitigation of Penalties TV-160615

Dear Mr. King:

On June 28, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TV-160615 against Bens Moving & Delivery Services, Inc. for 10 violations of Washington Administrative Code (WAC 480-15-480), which requires household good moving companies to furnish annual reports and the regulatory fee to the commission no later than May 1 each year, or in this case, May 2 as May 1 was a Sunday.

On July 5, 2016, Bens Moving & Delivery Services, Inc. wrote the commission requesting mitigation of penalties. In its mitigation request, Bens Moving & Delivery Services, Inc. does not dispute the violation occurred. The company states, "...unfortunately, my business is not profitable yet; therefore I do not have an administrative assistant to receive and respond to my incoming correspondence. I have to do all administrative task myself on the weekends or days that I don't have any moving jobs. I don't read or write English fluently therefore I was not aware of the deadline. My accountant will open all my bills and letters from now on. Please exonerate or reduce the \$1,000 penalty fee as paying this will really hurt me financially."

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, or in this case, May 2 as May 1 was a Sunday. On February 29, 2016, Annual Report packets were mailed to all regulated household good moving companies. The instruction page informs the regulated company that it must complete the annual report form, provide the supporting financial reporting documents and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

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On June 9, 2016, Bens Moving & Delivery Services, Inc. filed a complete annual report and paid the regulatory fees owed.

Bens Moving & Delivery Services, Inc. became an active company in 2013 and previously filed late for the 2013 and 2014 annual reports. The penalty for 2013 was reduced to \$200, this amount was paid. The \$1,000 penalty for 2014 was paid in full. According to the 2015 annual report, Bens Moving & Delivery Services, Inc. has zero additional employees, revenue over \$100,000 (zero salary and wages noted), and a net operating income of approximately \$68,000. Due to the history of violations, staff does not recommend mitigation nor a reduction of the penalty.

If you have any questions regarding this recommendation, please contact Sean Bennett, Regulatory Analyst, at (360) 664-1157, or sbennett@utc.wa.gov.

Sincerely,

Brian Dulla for S.W.

Sondra Walsh, Director
Administrative Services