

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

AMERICAN MOVING CO., INC.,

Respondent.

DOCKET TV-230022

STAFF'S MOTION TO WITHDRAW
COMPLAINT

I. INTRODUCTION

1 On an annual basis, the Commission cancels the operating authority of regulated carriers that fail to file annual reports or pay regulatory fees, or both. In January, the Commission's regulatory staff (Staff) filed a complaint seeking cancellation of American Moving Co. Inc.'s authority to operate as a household goods carrier for failure to pay regulatory fees due in 2022. American subsequently paid those fees and Staff now seeks leave to withdraw that complaint. American does not object to Staff's motion.

II. RELIEF REQUESTED

2 Staff requests that the Commission grant it leave to withdraw the complaint filed against American in this docket.

III. STATEMENT OF FACTS

3 On January 30, 2023, Staff filed the instant complaint against American moving.¹ In that complaint, Staff alleged that American had failed to pay the regulatory fees due on May

¹ See generally *Wash. Utils. & Transp. Comm'n v. American Moving Co. Inc.*, Docket TV-230022, Complaint for Penalties (Jan. 30, 2023).

1, 2022.² Staff sought cancellation of American’s operating authority based on the company’s failure to pay, which violated RCW 81.80.321 and WAC 480-15-480.³

4 On February 16, 2023, American paid the regulatory fees due May 1, 2022.⁴

IV. STATEMENT OF ISSUES

5 Should the Commission grant Staff leave to withdraw the complaint filed against
American in this docket?

V. EVIDENCE RELIED UPON

6 Staff relies upon the Declaration of Rachel Stark as well as the record on file in this
matter.

VI. ARGUMENT

7 American has paid the overdue regulatory fees, and in so doing it has come into
compliance with the laws governing the operation of household goods carriers. The
Commission should grant Staff leave to withdraw as doing so is in the public interest.

8 Once the Commission initiates an adjudication, a party must seek leave from the
Commission in order to withdraw a complaint.⁵ The Commission will generally grant such a
motion where the movant can show good cause.⁶

9 Here, good cause exists to grant Staff leave to withdraw. Proceeding with the
complaint will not cause American to comply with the revised code or with the
Commission’s rules because it cannot: American has already come into compliance. And
nothing indicates that the public interest would be served by cancelling American’s

² *Id.* at 1 ¶ 6, 2 ¶ 12.

³ *Id.* at 2 ¶¶ 13, 14.

⁴ Decl. of Rachel Stark at ¶ 3.

⁵ WAC 480-07-380(3).

⁶ *E.g., Coal. of Eastside Neighbors for Sensible Energy v. Puget Sound Energy*, Docket UE-171083, Order 01, 2 ¶ 6 (Dec. 13, 2017).

operating authority for its belated payment of regulatory fees: the citizens of Washington would lose the services of a carrier that has seemingly otherwise complied with the applicable regulatory requirements. The Commission should truncate this proceeding by allowing Staff to withdraw the complaint.

VII. CONCLUSION

10 Staff requests that the Commission grant it leave to withdraw the complaint filed against American in this docket.

DATED this 27th day of February 2023.

Respectfully submitted,

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