

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

DOLLY, INC.

**For a Permit to Operate as a Motor Carrier
of Household Goods and a Permit to
Operate as a Motor Freight Common
Carrier**

Docket No: TV-180605

**CROSS EXAMINATION EXHIBIT
TO TESTIMONY OF**

Susie Paul

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Email string between staff, WMC, and United Moving

December 13, 2018

Barnett, Donna L. (BEL)

From: Kermode, Danny (UTC)
Sent: Friday, July 29, 2016 12:57 PM
To: King, Steve (UTC); McCloy, Lauren (UTC)
Subject: RE: App Based HHG Brokers

Thanks Steve,

I do want to mention that though he might believe the Broker issue can be “clarified” through rule, I was clear that it was the commission’s position that the statute did not provide it such authority.

Danny

Danny Kermode CPA
Assistant Director for Water and Transportation
Washington Utilities & Transportation Commission
ph: 360.664.1253 | dkermode@utc.wa.gov

From: King, Steve (UTC)
Sent: Friday, July 29, 2016 9:59 AM
To: Kermode, Danny (UTC) <dkermode@utc.wa.gov>; McCloy, Lauren (UTC) <lmccloy@utc.wa.gov>
Subject: FW: App Based HHG Brokers

FYI

From: Jim Tutton [<mailto:jim@watrucking.org>]
Sent: Friday, July 29, 2016 8:54 AM
To: King, Steve (UTC)
Subject: RE: App Based HHG Brokers

Good Morning Steve –

Yes, I did meet with Danny yesterday and had a great meeting. A fine gentleman!

Danny is the type of regulator that listens to the issue and, when possible, looks outside the box for a better answer. Just because we have been doing it one way for 50 years, doesn’t mean it’s the best way as times they are a changing.

We did discuss the tariff revision that affects SIT, small goods movers, and the possibility of a rulemaking to extend jurisdiction over brokers. We also talked about a HHG Tariff No. 15-C much needed rate increase and, preliminarily, a new way of economic regulation of the household goods industry. Later this morning I will be e-mailing you my thoughts on some revisions to WAC 480-15 that possibly could be an easy fix to the HHG Broker issue.

Today I am meeting with Ms Loren McCloy to introduce myself and our new Lobbyist, Ms Sheri Call, Executive Vice President of the Washington Trucking Associations.

Enjoy your time away.

Jim Tutton, Exec. Dir.
WMC

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Have you checked out the WMC web site at www.wmcmovers.com ?

From: King, Steve (UTC) [<mailto:sking@utc.wa.gov>]
Sent: Friday, July 29, 2016 8:09 AM
To: Jim Tutton
Subject: RE: App Based HHG Brokers

Hi Jim.

I understand that you met with Danny yesterday and that he brought you up to date on the status of our work on 1-the tariff revision that affects SIT, small goods movers, etc. and 2-a rulemaking to extend jurisdiction over brokers. If that is not the case let me know. I will be out of the office next week but will periodically monitor my email.

Regards

Steve

From: Jim Tutton [<mailto:jim@watrucking.org>]
Sent: Friday, July 22, 2016 5:29 PM
To: King, Steve (UTC)
Subject: RE: App Based HHG Brokers

Good Afternoon Steve –

Thank you.

I am certain Commission staff has the information from me that you ask. If not, here it is as well –

Intrastate HHG Brokers need to -

1. Be registered and/or licensed with the WUTC;
2. Background check their employees;
3. Provide to the WUTC a list of the regulated moving companies they use;
4. Use only movers that are registered with the WUTC;
5. Provide or ensure the regulated mover they use provides the customer with the brochure – “Consumer Guide: Moving in Washington State”
6. Have a written agreement with regulated movers they use;
7. Ensure the regulated mover they use that will transport the shipment issues a binding or non-binding estimate based on the WUTC HHG Tariff No. 15-C;

8. Reference in their advertisements their physical business location, contact information, HHG Brokers License number, and their status as a broker that does not transport household goods but arranges for this service; and,
9. Ensures the regulated mover that is transporting their customers shipment prepares an Estimated Costs for Services of the household goods to be shipped prior to the move taking place so the customer understands their costs.

Again, we are not looking to put these folks out of business. But they have to be regulated just like regulated HHG moving companies are. There must be a level playing field!

Have a great weekend.

Jim Tutton, Exec. Dir.
WMC

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From: King, Steve (UTC) [<mailto:sking@utc.wa.gov>]
Sent: Friday, July 22, 2016 4:54 PM
To: Jim Tutton
Cc: Hazzard, Pat (UTC); Feeser, Bridgit (UTC); Paul, Susie (UTC); Kopta, Gregory (UTC)
Subject: RE: App Based HHG Brokers

Hi Jim:

I followed the links included below – I see why you are concerned.

Staff is working on tariff changes to address some of the issues presented by Dolly (and solve your SIT concerns). If we can take Dolly at its word, they will file an HHG application after the tariff is acted on by the commissioners. I will get you an estimate as to when it will be considered.

With respect to brokers, we are still wrestling with the legal questions related to whether we need to open a rulemaking or can take action on our current authority. I understood from Bridget that you told her recently you might send us something that outlines the issues you think need to be addressed. If you have not already sent us that information, this would be helpful I will follow-up next week to see if I can give you an estimate of when we will decide on how we will proceed on this.

Expect to hear from me next week.

Steve

Steven King
Executive Director

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Utilities and Transportation Commission

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From: Jim Tutton [<mailto:jim@watrucking.org>]
Sent: Thursday, July 21, 2016 4:05 PM
To: King, Steve (UTC)
Cc: Hazzard, Pat (UTC); Feeser, Bridgit (UTC); Paul, Susie (UTC); Kopta, Gregory (UTC)
Subject: App Based HHG Brokers

Good Afternoon Steve –

The attached photo is a real class act by APP Based HHG Broker “Dolly”. I, nor the Intrastate HHG Moving Industry, approve of such a devious display of crap!

If you click on the web link, <http://muckfoving.com/>, and scroll down, it takes you to Dolly, <https://dolly.com/>, a non-licensed/unregistered App based HHG Broker!

Steve, you know I been after the Commission for some time to get a handle on these businesses. It is time to get serious about bringing these App Based HHG Brokers into the regulatory fold and get them registered with a HHG Brokers license. RCW 81.80.430 allows the Commission to issue Brokers Licenses and have the Licensee file a Bond or Security Deposit. I too believe, through the WAC process, the Commission could draft RCW implementing rules applicable to App Based HHG Brokers.

The following is my last communication on this subject with the Commission staff.

“From: Jim Tutton [<mailto:jim@watrucking.org>]
Sent: Friday, March 18, 2016 11:28 AM
To: Hazzard, Pat (UTC) <phazzard@utc.wa.gov>
Subject: Intrastate App Based Movers

Good Morning Pat –

I’m wondering if someone at the WUTC can educate me on the Commission’s definition of a “Broker” found in WAC 480-12-100, shown below, that I have highlighted in red? The phrase “... transportation of property by two or more common carriers.” is unclear to me. I read that to mean - to be classified as a Broker, the transportation of the property would need to be hauled by two or more common carriers.

In addition, I would like to fully understand the phrase “transportation of property” used in the WUTC definition. I would think a truckload or less of hardware items being trucked to a hardware store would be no different than a truckload or less of personal household goods being transported to a residence; in each instance by a legally operating for hire motor carrier.

At the federal level, the definition of a “Broker” is –

Broker: *A company that arranges for the truck transportation of cargo belonging to others, utilizing for-hire carriers to provide the actual truck transportation. A broker does not assume responsibility for the cargo and usually does not take possession of the cargo. (<https://www.fmcsa.dot.gov/protect-your-move/how-to/glossary>)*

At the intrastate level in Washington State, the definition of a "Broker" is -

WAC 480-12-100

Forwarders and brokers.

(1) For the purpose of these rules a "forwarder" shall be defined as a person engaged in the business of soliciting, collecting or assembling shipments for the purpose of combining the same into a shipment of such size as to be entitled to a quantity rate and who forwards such shipment in his own name and at his own risk by a common carrier at such quantity rate.

(2) A "broker" is a person engaged in the business of providing, contracting for or undertaking to arrange for, transportation of property by two or more common carriers.

(a) A broker's compensation shall be in the form of a fixed fee or percentage of the total tariff charges which shall be fixed and established by the commission based upon evidence submitted by the affected party or parties, which in every instance must be collected from the shipper by the broker and no charge for any service shall be collected from the carrier. Every common carrier broker shall collect his fee, or percent of the total revenue charges, as a separate item and in accordance with the provisions of WAC 480-12-340 credit, extension of, by common carriers. Unless specifically authorized by the commission no common carrier broker authorized to collect charges from shippers for common carrier brokerage service shall collect from said shipper the common carrier tariff charges arising from the highway transportation of the property: Provided, That these provisions will not apply to any person holding a broker permit issued by the commission prior to April 16, 1971. Such brokers may continue to operate under the terms and conditions specified in their broker permit and under the commission rules which were in effect at the time their broker permit was issued.

(3) A carrier holding a highway transportation permit or an agent of such carrier, may not act as a shipper's agent, except as may be specifically authorized by a common carrier forwarder permit or a common carrier broker permit.

(4) A permit shall not be issued authorizing any one person to operate both as a broker and a forwarder.

(5) A forwarder shall not be permitted to charge rates which are lower than those prescribed for common carriers by motor vehicle. Such forwarder shall ship only over the lines of common carriers holding permits authorizing the transportation of general freight by motor vehicle.

(6) A common carrier broker, who also holds a common carrier permit authorizing highway transportation, may not perform highway transportation of the property of a shipper for which a common carrier brokerage service is rendered in equipment acquired by lease from another common carrier holding its own authority to provide the service.

(7) Every shipper, or group or association of shippers engaged in consolidating or distributing freight for themselves or for their members, and who wish to claim exempt status under chapter 138, Laws of 1979 ex. sess. [RCW 81.80.045], shall notify the commission promptly upon beginning such services and, in addition, shall comply with the following:

Complete and file with the commission, by April 1 following each year in which an exemption is claimed, a statement of nonprofit status, notarized and dated, in substantially the following form:

The undersigned has (have)
performed services as freight forwarder
claiming exempt status under chapter
138, Laws of 1979 ex. sess. [RCW
81.80.045], in the year , beginning
in the month of There was no
intent to perform such services for a
profit, and no profit was in fact made.

.....
(Signature of forwarders)

Subscribed and sworn to before me
this day of , 19

.....
Notary Public for the state of
Washington in and for the
county of

The foregoing requested clarifications are needed due to the ever growing unregulated "App Based Movers" coming into or starting up in Washington State.

Examples include –

Ghostruck, <http://ghostruck.com/>, who states in their “Freak Out Questions” section –

“What is Ghostruck?” The answer – *“Think of us as your moving concierge. Our app connects you with professional movers who are ready to get your stuff from A to B for a fixed price.”*

“How does payment work?” - The answer – *“All payment is handled in-app which is why a credit card is required before you can book a job. Once you book your move we will charge your credit card. Any changes made to your move that affect the final cost will be issued (charged or refunded) to your credit card after your move has been completed.”*

Dolly, <https://dolly.com/>, who states in their web site under “Frequently Asked Questions” –

What is Dolly? The answer – “Dolly is a marketplace that allows background-checked Helpers with pickup trucks, vans, and large SUVs to connect with people who need help with micro-moves in the city.

How much does Dolly cost? The answer – “We provide a price that's determined by distance, item count, and specific details about your item(s), with the choice of Curbside delivery for a discounted price. The minimum price is \$30.”

How do I pay and tip my Helper? The answer – “All payment and tipping is done in the app—a credit card is required to post a Dolly. We place a temporary authorization on your card for the total Dolly amount to schedule your Dolly. You may see a pending charge on your statement, but you will NOT be charged until the Dolly is complete. Your Helper receives 100% of the tip amount if you choose to tip.”

Yet Dolly also has a section on their web site that offers “Move apartments”. Average Dolly price: \$200.00.

These businesses are clearly Brokers! They take payment upfront from the shipper and they arrange for the transportation of property utilizing for-hire carriers to provide the actual truck transportation, i.e. a moving company!

The Washington Movers Conference is not opposed to these businesses in the market place if operating legally. But for strong consumer protection, that means there is a need for these businesses to have a Broker's license and a need to be regulated by the WUTC closely and similarly like what the Federal Motor Carrier Safety Administration is doing at the interstate level. In other words – *Are they utilizing Commission regulated moving companies for intrastate moves?, Are they insuring WUTC Tariff No. 15-C Rates and Charges are properly assessed?, and are they - Referencing in their advertisements, web sites, and other forms of communication their physical business location, contact information, and their status as a broker that does not transport household goods but arranges for this service?*

Pat, I can't make this growing issue any more clear.

Jim Tutton, Exec. Dir.
WMC

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Have you checked out the WMC web site at www.wmcmovers.com ?”

The response I have received back on March 18, 2016, is *“It may take a little while given other work priorities, but we will get back to you, promise!”*

I know the Commission staff is busy with a lot on their plate, combined with several key staff changes, but this issue is important has to be resolved quickly and correctly. Both consumers and properly registered HHG moving companies are being slandered and hurt financially by these illegally

operating App based HHG Brokers. If the leadership of Dolly acts in this way, what kind of employees are they using to interface with their customers?

Also attached is a copy of my Power Point slides for a presentation I gave at the recent American Moving & Storage Association 2016 Annual Convention.

Thank you Steve.

Jim Tutton, Exec. Dir.
WMC

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Have you checked out the WMC web site at www.wmcmovers.com ?

Barnett, Donna L. (BEL)

From: Jim Tutton <jim@watrucking.org>
Sent: Friday, October 23, 2015 12:53 PM
To: Banks, Megan (UTC)
Cc: Wallace, Sharon (UTC); Paul, Susie (UTC); Kopta, Gregory (UTC); King, Steve (UTC); Lewis, Jason (UTC); 'swashburn@united-moving.com'
Subject: RE: Ghostruck

Good Afternoon Megan –

Thank you for your response today.

I know the Commission takes the stance in Docket: TV-150185, that companies like Ghostruck (<http://ghostruck.com/>) and Dolly (<https://dolly.com/apartment-move>) are perceived as “Information Providers”. Unfortunately they are not and Docket: TV-150185 may not be applicable to today’s discussion. When an entity secures a load from a customer, including payment, and then sells that load to another company to make the haul, less a handling fee, as described by Ghostruck in their web site - they are a broker!

In the case of small shipments, the Broker, in this case Ghostruck, may actually consolidate and sell several shipments to one carrier. As mentioned in my previous e-mail, Ghostruck apparently has a “Load Board” from which carriers can peruse and select shipments to haul.

So in typical fashion here in Washington State, a household goods broker (Information Provider) arranges transportation by connecting people that need a household item found at a garage sale or larger pieces of their household goods transported between their old residence to their new one with movers that are capable and willing to transport the shipment for compensation. This is done by way of a cell phone “App”. The broker does not operate the truck, or handle the shipment but does receive direct payment from the customer for making all the arrangements for the truck and labor to load and unload the shipment for yet another fee from the hauling carrier.

Again, in this case, the company is definitely not a mover but a HHG Broker! Simply put, HHG Brokers do not have the operational and logistic capabilities moving companies have. They do not have moving trucks, professional movers, proper moving equipment, and in a lot of cases not much moving experience. Moving brokers are sales teams that book HHG moves and sell them to an actual moving company. Sometimes the broker is not able to sell the job for various reasons - low estimates, availability, resources and the list goes on - in this case the customer can get stuck without a mover on the desired day of their move. As you are aware, many moving brokers are now popping up who conveniently operate via cell phone “Apps” with little opportunity for direct contact should the any customer problems arise.

There are a lot of reasons why the Commission should take steps to institute a HHG Broker Registration Program. First and foremost is consumer protection. Here are some issues of concern I have found from Ghostruck’s web site:

1. Who are the movers?

They are professionally licensed and insured movers in your local area. (*My review uncovered some unlicensed moving companies on their web site.*)

2. How do I get a quote?

Unlike other moving companies we provide fixed prices, not estimates or quotes. Upload your job details in to our app to find out exactly how much your move will cost on the spot. (*Really, fixed prices - not estimates or quotes!*)

3. How much does it cost?

Price is determined by what's being moved (size), where it's being moved (distance), when you want it moved (time) and the complexity of moving your items. But don't worry! All you need to do is enter the details and the app will do the rest. (*I thought customers HHGs moved over the public roads and highways was economically regulated by the WUTC Tariff 15-C either by Hourly Rates or Mileage Rates.*)

4. How Does Payment Work?

All payment is handled in-app which is why a credit card is required before you can book a job. Once you book your move we will charge your credit card. Any changes made to your move that affect the final cost will be issued (charged or refunded) to your credit card after your move has been completed. (*So if Ghostruck takes payment from the customer upfront, and then arranges after the fact with a HHG moving company to perform the haul – that's not brokerage?*)

5. Will Ghostruck pack, assemble, or install my stuff?

We're really good at moving so that's what we stick to. (*Really, I thought they weren't movers?*)

6. Is there a cancellation fee?

No fee will be charged as long as you cancel your move at least 24 hours prior to the start of your pickup window. Moves cancelled with less than 24 hours' notice will be charged a \$50 cancellation fee. (*I can foresee several consumer issues with this!*)

7. Is there anything Ghostruck won't move?

We'll move anything as long as it's not alive, illegal or dangerous. Okay, there are a couple other exceptions:

- No commercial equipment
- No organic material
- No dirty items that could leave a mess in the truck
- No items without photos
- No items that have not been added to the job in our system

(*Do they warn the customer about including –*

- ◆ *Coins, currency, deeds, notes, postage stamps, letters, drafts or valuable papers of any kind.*
- ◆ *Jewelry, precious stones, or precious metals.*
- ◆ *Items of extraordinary value.*
- ◆ *Items requiring temperature control.*
- ◆ *Household pets.*
- ◆ *Live plants.*
- ◆ *Perishable items.*
- ◆ *Furniture or other items made of pressboard, particle board or similar pressed material)*

I offer to you the following web link to review from the Federal Motor Carrier Safety Administration - <http://www.fmcsa.dot.gov/protect-your-move/how-to/faqs#What%20is%20the%20difference%20between%20a%20Broker%20and%20a%20Mover?> These folks have constant issues with **interstate** HHG Moving Brokers.

For consumer protection at the **intrastate** level, if the Commission is all about Consumer Protection, I would think they would provide consumer protections to all levels of household goods movements.

Reputable and legal HHG moving companies, who have taken the necessary steps to obtain a HHG Operating Authority as required to do so to legally conduct their regulated HHG moving businesses in Washington, are being economically harmed by these “cellphone App companies” conducting HHG Broker and/or HHG moving business without any oversight.

Does the Commission actually realize they are allowing these “cellphone App companies”, like Ghostruck and Dolly, so called “Information Providers”, to ask licensed, permitted and regulated HHG moving companies to perform regulated HHG moving work at less than legal regulated standards and at rates outside of the governing HHG Tariff No. 15-C?

Thank you.

Jim Tutton, Exec. Dir.
WMC

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Have you checked out the WMC web site at www.wmcmovers.com ?

From: Banks, Megan (UTC) [mailto:mbanks@utc.wa.gov]
Sent: Friday, October 23, 2015 9:20 AM
To: Jim Tutton; Wallace, Sharon (UTC)
Cc: Paul, Susie (UTC)
Subject: RE: Ghostruck

Hi Jim,

Thank you for providing this information. We are continuing to monitor Ghostruck as a potential non-permitted HHG carrier; however, per Order 01 in Docket TV-150185, we do not have any regulation over “information providers.”

We are also working to ensure that the regulated HHG companies that contract with Ghostruck to provide HHG moves are in compliance with the rules.

Thank you again,
Megan

Megan Banks, Compliance Investigator
Consumer Protection and Communications
Washington Utilities and Transportation Commission
(360) 664-1129
mbanks@utc.wa.gov

From: Jim Tutton [<mailto:jim@watrucking.org>]
Sent: Tuesday, October 20, 2015 2:58 PM
To: Wallace, Sharon (UTC) <swallace@utc.wa.gov>; Banks, Megan (UTC) <mbanks@utc.wa.gov>
Subject: Ghostruck

Good Afternoon –

Ghostruck has struck again. This time they have called on a regulated moving company offering them a load to haul.

My member has called me to say they were contacted by a representative from Ghostruck and offered an opportunity to do a haul for them.

The scenario goes like this –

Ghostruck, through their cell phone app, obtains a haul from a customer. The customer pays Ghostruck for the haul.

Ghostruck then puts the customer’s haul on their “Load Board” with a price they have developed through an algorithm and Ghostruck calls a moving company and offers the moving company to take a look at their “Load Board” and pick that shipment or any other shipment on their “Load Board”. Ghostruck will then pay the moving company for hauling the load(s) handled less Ghostruck’s fee.

I know I have been told otherwise by the Commission’s Administrative Law Judge, but it sure looks to me like Ghostruck is operating as a broker, in this case as a HHG Broker!

Oh, and the Ghostruck representative told my member they have banks of attorneys telling them the WUTC can’t do anything to them because they are not doing anything wrong.

Checkout their Facebook page at <https://www.facebook.com/Ghostruck-267485206706354/> . You might find some more illegal moving companies.

The following link is to a *Seattle Times* article dated September 1, 2015. <http://www.seattletimes.com/business/technology/on-demand-mover-ghostruck-moves-into-markets-beyond-seattle/>

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Have you checked out the WMC web site at www.wmcmovers.com ?

Barnett, Donna L. (BEL)

From: Jim Tutton <jim@watrucking.org>
Sent: Tuesday, May 26, 2015 5:03 PM
To: Wallace, Sharon (UTC)
Subject: Re: Ghost ruck

Hi Sharon -

I am not raising the issue because we lost the MoveLink case; but rather it appears from this company's web site and/or "App" that their operation is quite different.

It's the Conference leadership's position we cannot have a double standard. We all need to play by the same set of rules.

It's just scary when they say the HHG carriers they use are "Licensed and Insured" rather than Permitted and Insured.

Thanks for your help with this.

Jim Tutton, Exec. Dir.
WMC

Sent from my iPhone

> On May 26, 2015, at 4:45 PM, Wallace, Sharon (UTC) <swallace@utc.wa.gov> wrote:

>
> Hi Jim: Yes, we have been trying to work with this company. I'll check on the status and get back to you. Sorry, I was in meetings most of the day. Thank you! Sharon

>
> -----Original Message-----

> From: Jim Tutton [<mailto:jim@watrucking.org>]

> Sent: Monday, May 25, 2015 1:58 PM

> To: Wallace, Sharon (UTC)

> Subject: Ghost ruck

>
> Good Afternoon Sharon -

>
> Have you folks ever had a conversation with the owners of Ghostruck? I was checking my Twitter account and they popped up today!

>
> They claim to be the Uber of the HHG moving business.

>
> They operate from an App, have potential customers send in photos or descriptions of what they want moved, they then contact a " licensed (likely not an HG number) and insured moving company.

>
> The customer must have a credit card to participate. Ghostruck has set fees for the move based on size and distance. Ghostruck bills the customer's credit card for the move and I assume then pays the HHG carrier, less their service fee.

>
> The Ghostruck web site is www.ghostruck.com. Check out their "Freaky Questions" section.

>
> Things I would like to see -

>
> 1. Their HHG Brokers license.

>
> 2. The list of HHG carriers they use.

>
> 3. Their Tariff used for flat rate pricing of goods to be moved.

>
> Jim Tutton, Exec. Dir.

> WMC
>
> Sent from my iPhone

Barnett, Donna L. (BEL)

From: Jim Tutton <jim@watrucking.org>
Sent: Friday, November 06, 2015 9:51 AM
To: Wallace, Sharon (UTC)
Cc: Banks, Megan (UTC); Hazzard, Pat (UTC); King, Steve (UTC)
Subject: RE: Another Entry into the Intrastate HHG Moving Business

Good Morning Sharon –

Thank you.

At the Washington Movers Conference quarterly Board Meeting yesterday, the Conference leadership was not happy with the lack of responsive action in dealing with the companies like those I discussed in my e-mail.

The WMC has nothing against these “Web based” or “App based” HHG moving service providers **as long as everyone plays by the same rules**. Presently that is not happening.

Since payment upfront from the customer is being asked by these folks, I have the following questions:

1. Does the Commission know who these “Web based” or “App based” providers are using to accomplish the actual haul?
2. What paperwork is completed in advance between the customer, the “Web based” or “App based” service and the actual carrier?
3. What is the basis for the charge for the haul?
4. Is there an assumption there is no packing, crating, or padding protection required to protect the items being moved? Is it the customer’s responsibility?
5. Are WUTC HHG Tariff No. 15-C rates and charges being used to determine the cost of the move?
6. What Valuation Levels are being offered to the customer?
7. Is the consumer protected after paying in advance and the truck doesn’t show up?
8. What happens when the customer has more goods to move than first reported?
9. How are damage claims handled?
10. What happens if the carrier doing the haul cannot make delivery?
11. What happens if the customer cancels the move? Is a refund provided?

Did your discussion with representatives from Dolly yesterday provide any answers?

At the **interstate** level, I get 3-4 telephone calls a month from consumers either moving into or out of Washington with complaints. Typically the complaints are:

1. The promised delivery date was two to three weeks ago and I still haven't received my goods.
2. I didn't know the company I was dealing with on the internet would not be the company hauling my goods. Nobody is answering the phone from the hauling company who has my goods.
3. Now that the carrier has my goods, they claim there is more weight than originally thought and they now want more money from me before delivering to my residence.
4. And the most interesting one – The carrier with my HHG just called and didn't realize Sequim, WA, was located way off the interstate and I am being asked to rent a U-Haul and meet the driver in Tacoma to receive my HHG.

Let's maintain strong consumer protections for **intrastate** HHG consumers in Washington.

Jim Tutton, Exec. Dir.
WMC

Tel: (253) 838-1650
Toll Free: (800) 732-9019
Direct Line: (253) 218-3897
Cell: (206) 499-9216
Twitter: Follow [@wmcexec](#)
[WEBSITE](#) / [FACEBOOK](#)

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Have you checked out the WMC web site at www.wmcmovers.com ?

From: Wallace, Sharon (UTC) [mailto:swallace@utc.wa.gov]
Sent: Friday, November 06, 2015 8:34 AM
To: Jim Tutton; Banks, Megan (UTC)
Cc: King, Steve (UTC); Hazzard, Pat (UTC); UTC DL Compliance Investigations
Subject: RE: Another Entry into the Intrastate HHG Moving Business

Good morning, Jim: We will review this one too. In my response the other day I mentioned that we had met with Dolly just that day and that we are conducting a further investigation of Ghostruck. I also recommended a meeting with the HHG industry and these companies here at the commission. We will go ahead and set something up. I'll be at a conference next week but will take care of that when I return. Thank you. Sharon

From: Jim Tutton [mailto:jim@watrucking.org]
Sent: Thursday, November 5, 2015 4:42 PM
To: Banks, Megan (UTC) <mbanks@utc.wa.gov>
Cc: Wallace, Sharon (UTC) <swallace@utc.wa.gov>; King, Steve (UTC) <sking@utc.wa.gov>
Subject: Another Entry into the Intrastate HHG Moving Business

Good Afternoon Megan –

Here is another entry into the intrastate household goods moving business. I am not sure what to refer to them as but they certainly do not have an intrastate Household Goods moving operating authority. Maybe this one is a “web” based HHG carrier as opposed to an “App” based HHG carrier. <http://movers777.com/index.php>

At any rate, there does not appear to be any face-to-face contact with the customer until the HHG move is booked, paid for, and the truck (Who’s is it?) shows up at the residence.

Each participant who collects money directly from their customer for the movement of HHG over the public roads in Washington, (RCW 81.80.075) and (WAC 480-15-180) should have as a minimum –

1. A HHG Operating Authority from the WUTC
2. Established accounts with the Departments of Labor & Industries, Revenue, and Employment Securities
3. WUTC mandated levels of both liability and cargo insurance
4. Safe operating vehicles inspected by the WUTC
5. A complete copy of WAC 480-15 in their possession
6. An up-to-date copy of WUTC HHG Tariff No. 15-C in their possession
7. Completed background checks on each employee
8. Proper HHG Industry forms in use that are in compliance with WAC 480-15 and/or HHG Tariff No. 15-C
9. A HHG Customer Complaint or Claims Program in place, and
10. Be subject to WUTC Compliance Audits

The foregoing would not just apply to *Movers 777*, but also to *Ghostruck* and *Dolly*. All three of the company’s web sites indicate they collect money for the movement of their customers HHG **directly from the customer!**

Now I know your argument is likely to be neither of the three companies are doing the actual haul. But since these three are collecting money up front for the HHG move via credit card payment and then arranging for the movement of the HHG with another entity to complete the move; surely you will agree then they must be a HHG Broker and subject to RCW 81.80.430 with a need for new and important WAC rules for proper compliance. Please take a look at the following web link from the Federal Motor Carrier Safety Administration web site “Protect Your Move” <http://www.fmcsa.dot.gov/protect-your-move/how-to/fags#What%20is%20the%20difference%20between%20a%20Broker%20and%20a%20Mover>. Sc roll down to “**What is the difference between a Broker and a Mover?**”

Action needed to bring *Movers 777*, *Ghostruck*, and *Dolly* into compliance is within the powers of the WUTC, I believe, and would not require new legislative direction.

The WUTC better come to grips soon with these type of operations one way or the other or it is going to get way out of hand. Let’s keep Washington State intrastate HHG moving consumers protected from potential questionable operations.

The legally operating and regulated HHG Moving Industry participants just want and expect from the Commission a level playing field!

Jim Tutton, Exec. Dir.
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Have you checked out the WMC web site at www.wmcmovers.com ?

Barnett, Donna L. (BEL)

From: Banks, Megan (UTC)
Sent: Friday, October 02, 2015 8:15 AM
To: Jim Tutton
Subject: RE: Ghostruck

Hi Jim,

Thank you for your concerns. We will continue to monitor this company.

Have a great Friday!
Megan

Megan Banks, Compliance Investigator
Consumer Protection and Communications
Washington Utilities and Transportation Commission
(360) 664-1129
mbanks@utc.wa.gov

-----Original Message-----

From: Jim Tutton [<mailto:jim@watrucking.org>]
Sent: Thursday, October 01, 2015 3:43 PM
To: Banks, Megan (UTC) <mbanks@utc.wa.gov>
Subject: Re: Ghostruck

Thank you Megan.

It's probably just me, but I think something not quite right is happening.

By the looks of their advertisement, they are asserting they are a Permitted HHG moving company. I believe they need to include language that explains they are a HHG Broker and another company may actually provide the transportation.

Thanks again.

Jim Tutton, Exec. Dir.
WMC
Sent from my iPhone

> On Oct 1, 2015, at 11:32 AM, Banks, Megan (UTC) <mbanks@utc.wa.gov> wrote:

>

> Hi Jim,

>

> I hope the move is going well!

>

> First, here is a little background on Ghostruck. As you are aware, we first contacted Ghostruck in July 2014 and provided a one-on-one training in September 2014. The company was informed that any companies or persons providing household goods moves within Washington must have a household goods permit or will face a potential penalty of up to \$5,000 per violation. In addition, Ghostruck, through its affiliated moving company, Empty Truck Co., had a household goods permit from the commission from Sept. 22, 2014, until Dec. 22, 2014.

>

> During our investigations of the company, Ghostruck continues to communicate that it no longer provides any moves itself. In communications with our undercover investigators, including communications as recently as July 2015, Ghostruck support staff consistently asserts that all moves will be performed by permitted household goods companies. We are continuing to monitor Ghostruck, as well as other similar companies, to ensure compliance with the rules.

>

> Good luck on moving and welcome to Olympia!

> Megan

>
> Megan Banks, Compliance Investigator
> Consumer Protection and Communications Washington Utilities and
> Transportation Commission
> (360) 664-1129
> mbanks@utc.wa.gov
>
> -----Original Message-----
> From: Jim Tutton [<mailto:jim@watrucking.org>]
> Sent: Wednesday, September 30, 2015 7:46 PM
> To: Banks, Megan (UTC) <mbanks@utc.wa.gov>
> Subject: Ghostruck
>
> Hi Megan -
>
> Just curious how the Commission investigators are doing or did with Ghostruck. I see they are currently ranked
number 9 out of 69 movers on King 5 TV's "Best of Western Washington."
>
> Do they need a HHG Operating Authority or not?
>
> Not a fan! (Ha Ha)
>
> Jim Tutton, Exec. Dir.
> WMC
> Sent from my iPhone

Barnett, Donna L. (BEL)

From: Pratt, David (UTC)
Sent: Tuesday, December 15, 2015 7:32 AM
To: Stillwell, Suzanne (UTC); Hazzard, Pat (UTC)
Subject: FW: Ghosttruck.com

Suzanne, please review these emails and start looking into this issue. We can discuss later this week. Thanks.

From: Wallace, Sharon (UTC)
Sent: Monday, December 14, 2015 2:36 PM
To: Jim Tutton <jim@watrucking.org>; Pratt, David (UTC) <dpratt@utc.wa.gov>
Subject: RE: Ghosttruck.com

Hi Jim: I'll send an email later today with new proposed dates for our meeting. I'm bringing Dave Pratt into this conversation because the broker issue is a licensing one. I will schedule some time to discuss this with Dave as soon as possible. He is in the middle of a large case right now that will take up much of this week and next. Thank you! Sharon

From: Jim Tutton [<mailto:jim@watrucking.org>]
Sent: Friday, December 11, 2015 4:32 PM
To: Wallace, Sharon (UTC) <swallace@utc.wa.gov>
Subject: FW: Ghosttruck.com

Good Afternoon Sharon –

As you can see below, the natives are getting restless as they keep seeing articles about Ghosttruck, <http://ghosttruck.com/>, Dolly <https://dolly.com/>, and Movers777 <http://www.movers777.com/>.

How are you coming with getting a meeting with these folks scheduled?

I'll be upfront with you from the Washington Movers Conference point of view. To allow the above Intrastate Internet HHG Moving Brokers to operate in Washington, the following controls must be put in place by the Commission and quickly.

To start with, will Intrastate Internet HHG Moving Brokers simply be servicing customers who purchase a davenport or the like at a garage sale with a pick-up truck?; or will they be doing much larger scale work such as the entire contents from within a customer's apartment or their home? You can read it either way depending on which of the three web sites you look at.

I am not exaggerating; **Ghostruck's web site says** *"All payment is handled in-app which is why a credit card is required before you can book a job. Once you book your move we will charge your credit card. Any changes made to your move that affect the final cost will be issued (charged or refunded) to your credit card after your move has been completed."* **Dolly's web site says very clearly if** *"I have a pickup truck, box truck, or cargo van and can lift over 75 lbs – Apply Now".* **Movers777** may or may not have a cellphone App, I can't tell, and they may not be a HHG Broker, but it is evident they are conducting business via the internet or by e-mail. Their web site proclaims, *"Movers 777 started off on the principle that moving should be a quick painless experience. We have found this is what customers want, and happy customers are our top priority. We at Movers 777 strive to make your move a stress-free, efficient experience. We*

provide the total moving package – local, residential and commercial moves along with a professional packing service. NO HIDDEN CHARGES - FLAT HOURLY ALL-INCLUSIVE RATE.”

At any rate, the following is what I believe the Commission must consider putting in place via Washington Administrative Code to level the playing field. We can't have one set of regulatory and consumer protection rules for properly licensed and Permitted HHG moving companies and no regulation or consumer protection guidelines in place for intrastate HHG Moving Internet Broker businesses.

As a minimum, Intrastate HHG Internet Broker businesses should –

1. be registered as an intrastate Internet HHG Moving Broker with the Washington Utilities and Transportation Commission (WUTC);
2. complete a Background Check on each employee employed by the Internet HHG Moving Broker;
3. reference in their advertisements their physical business location, their telephone numbers, their WUTC HG Brokers license or number, and their status as an Internet HHG Broker that does not transport the customer's household goods but arranges for this service;
4. be required to provide their customers with an electronic copy of the "Consumer Guide – Moving in Washington State";
5. use only intrastate moving companies that have obtained a valid HHG Operating Authority from the WUTC;
6. have a written operating agreement in place with the regulated HHG movers they use;
7. provide the Commission and their customers with a list of the valid moving companies they use for transporting the customers goods;
8. insure binding or non-binding estimates are prepared based upon Rates and Charges contained in the WUTC HHG Tariff 15-C;
9. require the intrastate moving company the Internet HHG Moving Broker uses to actually transport the customers shipment to complete an Estimate form and an Inventory Form of the goods being shipped prior to taking possession of the household goods shipment for the customer's protection;
10. have in place at the internet Broker's place of business a detailed "Customer Complaint and Claims Program";
11. be required to complete a WUTC Annual Report and pay regulatory fees and;
12. insure intrastate Internet HHG Moving Brokers collect any fees for arranging for the transport of the customer's household goods from the customer. Note: Regulated moving companies do not want to be the ones providing the revenue stream for these intrastate Internet HHG Moving Brokers!

There may be more requirements the Commission staff comes up with to include with the above. For example, what about bonding? These folks, as shown on their Apps, are collecting monies upfront before the move even takes place. What will their final billing document look like and when will it be presented?

From past experience with the Commission, i.e. Moving Link, if regulated intrastate HHG moving companies will be allowed to compete in the market place with presently unregulated intrastate Internet HHG Moving Brokers; the **play field** and the respective **rules of play** must be developed.

Please make this a priority.

Jim Tutton, Exec. Dir.

WMC

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Have you checked out the WMC web site at www.wmcmovers.com ?

From: Virginia M. Blaine [<mailto:gblaine@continentalvan.com>]
Sent: Friday, December 11, 2015 2:16 PM
To: Jim Tutton
Cc: Joseph G. Blaine
Subject: FW: Ghosttruck.com

Hi Jim.

Have you ever come up against this Ghost Truck broker outfit? Sounds like they're operating way out of the norm.

Happy Holidays to you!

Ginnie

From: Joseph G. Blaine
Sent: Friday, December 11, 2015 6:57 AM
To: Virginia M. Blaine <gblaine@continentalvan.com>
Subject: FW: Morning Sunshine!

Check this out. Wonder if they are abiding by all WUTC requirements?

Joska

From: Jason Potts [<mailto:jason.potts@aacorp-usa.com>]
Sent: Friday, December 11, 2015 6:51 AM
To: Joseph G. Blaine <jblaine@continentalvan.com>
Subject: Morning Sunshine!

Hey bud,
So I've been doing some research for this Unigroup class project and look what I found www.ghosttruck.com
They seem to be from your market as Seattle is currently their only full service city. www.ghosttruck.com

Regards,
Jason Potts
Director of Operations

All-American Relocation
M1062, M1069, and U990
Direct 919-256-7167
Mobile 919-868-6431