

[Service Date October 9, 2013]

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper)	DOCKET TV-131607
Carrier Classification of, and Complaint)	
for Penalties against:)	ORDER 02
)	
JORGE HUMBERTO LUNA-LOPEZ)	INITIAL ORDER DISMISSING
d/b/a PRO MOVERS)	COMPLAINT
a/k/a UR MOVING SOLUTIONS)	
.....)	

BACKGROUND

1 **Nature of Proceeding.** The Washington Utilities and Transportation Commission (Commission) initiated this special proceeding to determine whether Jorge Humberto Luna-Lopez d/b/a Pro Movers aka UR Moving Solutions (Mr. Luna-Lopez), has engaged, and continues to engage, in business as a common carrier for transportation of household goods for compensation within the state of Washington without possessing the permit required for such operations.

2 **Procedural History.** On September 4, 2013 the Commission entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing, pursuant to RCW 81.04.510, initiating this docket on its own motion. The Complaint alleged that Mr. Luna-Lopez violated RCW 81.80.075(1) by:

- (1) offering on at least one occasion to transport household goods within the state of Washington
- (2) advertising household goods moving services within the state of Washington on at least one occasion

without the necessary permit required for such operations. On the same date, the Commission issued a *Subpoena and Subpoena Duces Tecum For Production of Documents* (Subpoenas) to the company commanding Mr. Luna-Lopez to appear before the Commission at a special proceeding scheduled to convene at 9:30 a.m.,

October 8, 2013, in the Commission's offices at 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and to bring the documents specified in the *Subpoenas*.

3 On September 4, 2013, the Commission personally served (via legal messenger) the Complaint and Order Initiating Special Proceeding and Subpoenas on Mr. Luna-Lopez in Seattle, WA.

4 **Appearances.** Lauren McCloy, Compliance Investigator, Olympia Washington, represented Commission Staff. Jorge Humberto Luna-Lopez represented himself.

HEARING

5 On October 8, 2013, the hearing convened, as scheduled, in Olympia, Washington, before Administrative Law Judge Adam Torem.

6 **Applicable Law.** RCW 81.80.010(5) defines "household goods carrier" as

a person who transports for compensation, by motor vehicle within this state, or who advertises, solicits, offers, or enters into an agreement to transport household goods.

RCW 81.80.070 prohibits household goods carriers from operating for compensation in Washington without first obtaining the required permit from the Commission. Upon proof of unauthorized operations, RCW 81.04.510 authorizes the Commission to order the unpermitted company to cease and desist its activities. Additionally, RCW 81.04.110 authorizes the Commission to file a complaint on its own motion setting forth any act or omission by a company that violates any law, or any order or rule of the Commission.

7 Commission records indicate that Jorge Humberto Luna-Lopez d/b/a Luna's Moving Services received temporary authority to move household goods in November 2008. The following year, the trade name UR Moving Services was added to the Company's permit. On October 25, 2012, Mr. Luna-Lopez voluntarily cancelled his household goods permit.

8 Ms. Lauren McCloy, a Compliance Investigator with the Commission, testified concerning her investigation into the operations and business practices of the Company. Ms. McCloy prepared a declaration summarizing her investigation, with appendices documenting her investigation. *Ex. 1.*

9 Mr. Luna-Lopez presented evidence to Ms. McCloy that he was not associated with the company she had investigated. Mr. Luna-Lopez testified credibly that he had in fact shut down his business last year and was no longer conducting household goods moves.

10 After considering the testimony presented by Mr. Luna-Lopez, Ms. McCloy agreed that he has not been continuing to operate his moving business without a permit and moved to dismiss the complaint against him.

11 The evidence in this matter unquestionably demonstrates that Jorge Humberto Luna-Lopez has not offered and advertised to engage in the business of moving household goods without a permit. Instead, some other entity misrepresented itself as UR Moving Solutions, resulting in a case of mistaken identity.

FINDINGS OF FACT

12 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with authority to regulate persons engaged in the business of transporting household goods for compensation over public roads in Washington.

13 (2) Jorge Humberto Luna-Lopez appeared at the hearing convened on October 8, 2013, pursuant to notice that was properly served.

14 (3) Jorge Humberto Luna-Lopez previously obtained a temporary household goods carrier permit from the Commission in November 2008 but shut down his business in October 2012.

15 (4) Jorge Humberto Luna-Lopez demonstrated that he was not offering to perform or advertising household goods moving services in 2013.

CONCLUSIONS OF LAW

- 16 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of this proceeding and over Mr. Luna-Lopez, pursuant to RCW 81.04.510, RCW 81.80.010, and RCW 81.80.070.
- 17 (2) Jorge Humberto Luna-Lopez is not operating a household goods moving service.

ORDER

- 18 THE COMMISSION ORDERS That the Complaint entered against Jorge Humberto Luna-Lopez d/b/a Pro Movers on September 4, 2013, is DISMISSED.

DATED at Olympia, Washington, and effective October 9, 2013.

ADAM E. TOREM
Administrative Law Judge

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-450(2) states that a party held in default has 10 days after service of a default order to file a written motion requesting the order be vacated and the proceeding reopened for further process. The party held in default must state the grounds relied upon, including its reasons for failing to appear.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. **A party held in default must file a written motion requesting the order be vacated pursuant to WAC 480-07-450(2) within 10 days after service in order to have the Commission consider a Petition for Administrative Review from that party.** What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An original and **two (2)** copies of any Petition or Answer must be filed by mail delivery to:

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