

Docket No. TV-220874 - Vol. I

WUTC v. American Moving Co. Inc., et al.

January 11, 2023



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	DOCKET TV-220874
TRANSPORTATION COMMISSION,)	
)	
Complainant,	)	COMPLAINT FOR
	)	CANCELLATION OF
v.	)	PERMIT FOR FAILURE
	)	TO PAY REGULATORY
AMERICAN MOVING CO. INC., BECKER	)	FEEES AND FAILURE TO
TRUCKING INC., ESTABLISHED MOVING	)	FILE ANNUAL REPORT;
& STORAGE OF EVERETT, INC.,	)	and
ESTABLISHED MOVING & STORAGE OF)	
SPOKANE, INC., HELP-U-MOVE, INC.,	)	NOTICE OF BRIEF
HURLEY PIANO SERVICES, LLC, IN &	)	ADJUDICATIVE
OUT MOVERS LLC, IRON MOUNTAIN	)	PROCEEDING; SETTING
INFORMATION MANAGEMENT SERVICES,	)	TIME FOR ORAL
INC., MIRACLE MAN MOVERS LLC,	)	STATEMENTS
MOVE FOR LESS LLC, MOVE ME DO,)	
LLC, MOVER FOR YOU LLC, PARTNERS)	
TRANSPORT, INC., SAENZ, ABRAHAM,)	
SMART MOVE LLC, SOUTH SOUND)	
MOVING LLC, SUNNY SIDE MOVING)	
LLC, WHIDBEY LOGISTICS, LLC,)	
)	
Respondents.)	
)	
-----)	

VIDEOCONFERENCE BRIEF ADJUDICATIVE PROCEEDING BEFORE
ADMINISTRATIVE LAW JUDGES
RAYNE PEARSON

Volume I

Pages 1 - 24

January 11, 2023

1:50 p.m.

REPORTED BY: CRYSTAL R. McAULIFFE, RPR, CCR, #2121

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APPEARANCES

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON
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1 VIDEOCONFERENCE OF BRIEF ADJUDICATIVE HEARING

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1 OLYMPIA, WASHINGTON; JANUARY 11, 2023

2 1:50 p.m.

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4 THE COURT: Let's go ahead, then, and be on
5 the record.

6 Good afternoon. This is Docket TV-220874.
7 The time is approximately 1:50 p.m. on January 11th,
8 2023. The time set for hearing -- sorry.

9 Did someone say something? Sorry.

10 All right. The time set for hearing the
11 Commission's complaint was 1:30 today against multiple
12 household goods carriers seeking to cancel their permits
13 for failing to file annual reports and pay regulatory
14 fees.

15 My name is Rayne Pearson. I use she/her
16 pronouns, and I am the Administrative Law Judge
17 presiding over this proceeding.

18 So let's start by taking an appearance from
19 Commission Staff, who appears to be the only party
20 present today.

21 MR. ROBERSON: Good afternoon. Jeff
22 Roberson, AAG. I use he/him pronouns. With me at
23 counsel table is Rachel Stark, Staff's witness in this
24 matter.

25 THE COURT: Thank you. All right.

1 So before we get started, I'll go ahead and
2 ask if Staff is moving to dismiss the complaint against
3 any of the companies?

4 MR. ROBERSON: And indeed Staff is, Judge
5 Pearson.

6 Miracle Man Movers and Whidbey Logistics,
7 LLC, both paid their regulatory fees and filed their
8 annual report. They are in compliance. Staff asks that
9 you dismiss them from the complaint.

10 Additionally, Iron Mountain Information
11 Management Services Incorporated voluntarily
12 relinquished its permit, I believe, last month in Docket
13 220928. There's no point in continuing with the
14 proceeding against that carrier, so we ask that they be
15 dismissed as well.

16 THE COURT: Okay. So if my count is
17 correct, it sounds like there are 14 companies
18 remaining.

19 Does that match what you have.

20 MR. ROBERSON: I have not done the math.

21 THE COURT: Okay. So who I have remaining
22 is Becker Trucking Inc.; Established Moving & Storage
23 Everett, Inc., Established Moving & Storage Spokane,
24 Inc.; Help-U-Move, Inc.; Hurley Piano Services, LLC;
25 In & Out Movers LLC; Move For Less LLC; Move Me Do LLC;

1 Mover For You LLC; Partners Transport, Inc.; Abraham
2 Saenz; Smart Move LLC; South Sound Moving LLC; Sunny
3 Side Moving LLC.

4 MR. ROBERSON: The only thing that I have
5 that's different --

6 Did you list American Moving Company at the
7 top before Becker?

8 THE COURT: Let me see. I didn't. I must
9 have missed that one.

10 Okay. It is -- it's in the caption of the
11 complaint, but I don't see a paragraph about them in the
12 complaint with their permit number. So that must have
13 just been an oversight.

14 MR. ROBERSON: And that would be my
15 oversight. Okay. Well, we can proceed against them, I
16 guess, at a later date.

17 THE COURT: Okay. So we'll just move
18 forward with those 14.

19 MR. ROBERSON: That's acceptable to Staff.

20 THE COURT: Okay. And I can see pretty
21 clearly on the call that there is no one else present.

22 But just for the sake of the record, I will
23 ask if there is anyone present that represents any of
24 those companies?

25 Okay. Hearing nothing, we can proceed.

1 So, Mr. Roberson, if you wanted to go
2 ahead -- assume with the motion for default when you're
3 ready.

4 MR. ROBERSON: Indeed.

5 RCW 34.05.440 and WAC 40-07-450 authorized
6 the Commission to issue a notice -- or an order of
7 default and resolve this matter on the merits if the
8 respondent or respondents fail to appear at the place
9 and time set for hearing.

10 The order setting this matter for hearing,
11 the complainant, listed this place virtually and this
12 time; that's paragraph 52.

13 It also advised them that they would be held
14 in default if they failed to appear. I believe that's
15 in paragraph 56.

16 They have failed to appear at the place and
17 time set for hearing. Staff asks that you find them in
18 default and allow Staff to proceed and present its
19 merits on this case and resolve this matter on the
20 merits.

21 THE COURT: Okay. Thank you.

22 And the motion for default is granted for
23 each of those 14 companies that I previously named.

24 The companies have not come into compliance
25 and also failed to appear today. So they will be held

1 in default.

2 And I can now swear Ms. Stark in so she can
3 testify.

4 So if you could just raise your right hand.

5 Do you swear or affirm that the testimony
6 that you give today will be the truth, the whole truth,
7 and nothing but the truth?

8 MS. STARK: I do.

9 THE COURT: Okay.

10 Go ahead, Mr. Roberson.

11

12 RACHEL STARK, witness herein, having been
13 first duly sworn on oath,
14 was examined and testified
15 as follows:

16

17 E X A M I N A T I O N

18 BY MR. ROBERSON:

19 Q. Good afternoon. Would you please state your
20 name and spell your last name for the record?

21 A. Rachel Stark. S-t-a-r-k.

22 Q. Who employs you?

23 A. The Washington Utilities and Transportation
24 Commission.

25 Q. And in what position does the Commission employ

1 you?

2 A. I'm a Regulatory Analyst in our Regulatory
3 Services Division.

4 Q. What are your duties as a Regulatory Analyst?

5 A. Currently, I am the -- the oversight of end
6 reporting requirements for all regulated companies that
7 the UTC regulates making sure companies are in
8 compliance.

9 Q. Have you received training to enable you to
10 carry out those duties?

11 A. Yes.

12 Q. And how long have you worked as a Regulatory
13 Analyst?

14 A. I have worked as a Regulatory Analyst,
15 approximately, five years.

16 Q. And how long have you worked for the Commission
17 in total?

18 A. Thirty-five years.

19 Q. Now, you've mentioned your duties as Regulatory
20 Analyst.

21 Does the Commission require household good
22 carrier companies to file an annual report?

23 A. Yes.

24 Q. When is that report due?

25 A. May 1st of each year.

1 Q. And what year does the report cover?

2 A. Um, this -- for these companies, it's the 2021
3 annual report.

4 Q. So if I understand you correctly, the report due
5 on May 1, 2022, was for operations in 2021; is that
6 correct?

7 A. Correct. From January to December 2021.

8 Q. And does the Commission also require household
9 goods carriers to pay regulatory fees?

10 A. Yes.

11 Q. And when are those regulatory fees due to be
12 paid?

13 A. May 1st of each year.

14 Q. And is it similar to how the annual reporting
15 works, the fees cover regulating the company the
16 previous year?

17 A. Uh, well, regulatory fees are paid -- so
18 regulatory fees pay going forward.

19 So when a company pays the regulatory fee in
20 2022, it goes to regulate them for 2022, even though
21 they are paying that regulatory fee based on their
22 revenue earned in 2021.

23 Q. So the annual report due this year covers 2021
24 and the reg fees, which are due at the same time, cover
25 regulating for 2022?

1 A. Correct.

2 Q. Okay. Are you familiar with Staff's complaint
3 in this docket?

4 A. Yes.

5 Q. And how is it that you're familiar with that
6 complaint?

7 A. Um, I researched and I collected each company
8 that was not in compliance with the annual reporting for
9 2021.

10 Q. Would you characterize your involvement as
11 having been assigned to the docket?

12 A. Yes.

13 Q. I'd like to begin with -- sorry. A little bit
14 of feedback there.

15 I would like to start with Becker Trucking
16 Incorporated.

17 As part of your assignment to this docket, did
18 you investigate whether Becker Trucking paid the annual
19 regulatory fee due in May 2022?

20 A. Yes.

21 Q. How did you do that?

22 A. A couple of things. We have an annual reporting
23 tracking system. I researched if it was recorded in
24 there.

25 I also researched our revenue database that our

1 financial services inputs payments.

2 I also emailed our financial services office to
3 ensure that I was not missing the regulatory fee
4 payment; that it was, um, in a different, um, file that
5 I was not able to access or see.

6 And then I researched, also, my, um, email to
7 make sure that the company didn't send me a direct email
8 with a confirmation of an electronic payment or anything
9 else.

10 Q. And did you do each of these kind of inquiries
11 once, or did you do them multiple times?

12 A. Multiple times.

13 Q. When was the last time you looked to see if
14 Becker had paid?

15 A. Last week.

16 Q. And had Becker paid the regulatory fee?

17 A. No.

18 Q. Did you also check whether Becker had filed the
19 annual report due on May 1st?

20 A. Yes.

21 Q. And how did you do that?

22 A. I searched the end report tracking system to see
23 if there was an end report in there. There was not.

24 I also researched my email to see if they had
25 sent me an individual email; they had not.

1 I also, um, searched on our electronic filing
2 system page to see if there was a file they had filed,
3 and they had not.

4 Q. Okay.

5 A. So --

6 Q. Sorry.

7 A. Sorry. I also contacted staff who worked in the
8 office and, um, to see if a -- an annual report was
9 mailed, and it had not been.

10 And then I also had emailed the company and said
11 he hadn't filed yet; did I miss the file? And I got no
12 response.

13 Q. Did you make these inquiries once or multiple
14 times?

15 A. Multiple times.

16 Q. When was the last time you looked to see if
17 Becker had made the necessary filing?

18 A. Monday of this week.

19 Q. And had it? Sorry.

20 A. So, I'm sorry.
21 January 9th.

22 Q. And had Becker done so?

23 A. No.

24 Q. I would like to move on to Established Moving &
25 Storage of Everett.

1 As part of your assignment to this docket, did
2 you look to see whether Established of Everett had paid
3 the annual regulatory fee due in May 2022?

4 A. Yes.

5 Q. And did you do that in the same way that you
6 checked for Becker?

7 A. Correct. Yes, I did.

8 Q. And is it fair to say, actually, that for each
9 of the companies I'm going ask you about, you performed
10 the same inquiries you did for Becker, checking
11 multiple --

12 A. Yes.

13 Q. -- ways, multiple times?

14 A. Yes, sir.

15 Q. When did you last look to see if Established of
16 Everett had paid?

17 A. January 9th. On Monday.

18 Q. And had it done so?

19 A. No.

20 Q. Did you also check whether Established of
21 Everett had filed the annual report?

22 A. Correct. Yes, I did.

23 Q. And you did that the same way you did -- you
24 made the inquiries for whether Becker had filed the
25 annual report?

1 A. Yes.

2 Q. And is it -- did you do that same inquiry,
3 checking multiple places, multiple times, for each of
4 the companies I'm going to ask you about?

5 A. Yes.

6 Q. And when did you last look to see if Established
7 of Everett had made the necessary filing?

8 A. Monday, January 9th.

9 Q. And had it filed the annual report?

10 A. No.

11 Q. Turning to Established Moving & Storage of
12 Spokane.

13 As part of your assignment to this docket, did
14 you look to see whether Established of Spokane paid the
15 regulatory fee due in May of 2022?

16 A. Yes.

17 Q. And when did you last look?

18 A. Monday, January 9th.

19 Q. And had Established of Spokane paid the fee?

20 A. No.

21 Q. Did you also check whether Established of
22 Spokane had filed its annual report?

23 A. Yes.

24 Q. And when did you last look into that?

25 A. Monday, January 9th.

1 Q. And had it filed its annual report?

2 A. No.

3 Q. I'd like to turn to Help-U-Move Incorporated.

4 In your duties and your assignment to this
5 docket, did you look to see whether Help-U-Move had paid
6 the regulatory fee due in May of 2022?

7 A. Yes.

8 Q. And when did you last look to see if it had done
9 so?

10 A. Monday, January 9th.

11 Q. And had it paid the fee by that date?

12 A. No.

13 Q. Did you also look to see if Help-U-Move had made
14 the necessary annual report filing?

15 A. Yes.

16 Q. And when did you last do so?

17 A. Monday, January 9th.

18 Q. Had it made the filing by that date?

19 A. No.

20 Q. Okay. Turning to Hurley Piano Services LLC.

21 Did you look to see whether Hurley Piano had
22 paid its annual regulatory fees?

23 A. Yes.

24 Q. And when was the last time you looked to see if
25 it had done so?

1 A. Monday, January 9th.

2 Q. And had it paid the fee by that date?

3 A. No.

4 Q. Did you also check to see whether Hurley Piano
5 had filed its annual report?

6 A. Yes.

7 Q. And when did you last look to see if it had done
8 so?

9 A. Monday, January 9th.

10 Q. Had it filed the report by that date?

11 A. No.

12 Q. I believe the next respondent is In & Out Movers
13 LLC.

14 Did you look to see whether In & Out Movers had
15 paid the annual regulatory fee due in May of 2022?

16 A. Yes.

17 Q. And when did you last look to see if it had
18 paid?

19 A. Monday, January 9th.

20 Q. And had it paid by January 9th?

21 A. No.

22 Q. Did you also check to see whether In & Out
23 Movers had filed its annual report?

24 A. Yes.

25 Q. And when did you last look to see if it had?

1 A. Monday, January 9th.

2 Q. And when you looked, had it made the necessary
3 filing?

4 A. No.

5 Q. Turning to Move For Less LLC.

6 Did you also look to see whether Move For Less
7 had paid the annual regulatory fee due in May 2022?

8 A. Yes.

9 Q. And when did you last look?

10 A. Monday, January 9th.

11 Q. And when you looked, had it paid the fee?

12 A. No.

13 Q. Did you also check to see whether Move For Less
14 filed its annual report?

15 A. Yes.

16 Q. And what was the date that you last looked to
17 see if it had done so?

18 A. Monday, January 9th.

19 Q. And had it paid the -- or had it filed the
20 report by that date?

21 A. No.

22 Q. I believe the next respondent was Move Me Do
23 LLC.

24 Did you look into whether it had paid the
25 regulatory fee or filed the annual report?

1 A. Yes.

2 Q. And for both kind of issues, did you look on
3 January 9th?

4 A. Yes.

5 Q. And that was the most recent time that you've
6 looked?

7 A. Yes.

8 Q. And had it paid the fee or filed the report?

9 A. No.

10 Q. Turning to Mover For You.

11 Did you also look to see whether Mover For You
12 had paid the regulator fee or filed the annual report
13 due May 1st, 2022?

14 A. Yes.

15 Q. And when did you last look to see if it had done
16 either of those things?

17 A. Monday, January 9th.

18 Q. And had it paid the fee?

19 A. No.

20 Q. Had it filed the report?

21 A. No.

22 Q. I believe the next respondent was Partners
23 Transport Incorporated.

24 Did you also look to see whether Partners
25 Transport had paid the regulatory fee or filed the

1 report, both of which were due May 1, 2022?

2 A. Yes.

3 Q. And when was the most recent date that you
4 looked into those things?

5 A. Monday, January 9th.

6 Q. Had it paid the regulatory fee?

7 A. No.

8 Q. Had it filed the annual report?

9 A. No.

10 Q. The next up was Abraham Saenz.

11 Did you look into whether Abraham Saenz had paid
12 the regulatory fees or filed the annual report due
13 May 1, 2022?

14 A. Yes.

15 Q. And when was the most recent date that you
16 looked into those things?

17 A. Monday, January 9th.

18 Q. And at the time that you looked, had Abraham
19 Saenz paid the fee or filed the report?

20 A. No.

21 Q. I believe the next up was Smart Move LLC.

22 Did you look into whether Smart Move paid the
23 regulatory fees or filed the annual report due on May 1,
24 2022?

25 A. Yes.

1 Q. And when did you most recently look into whether
2 it had done either of those things?

3 A. Monday, January 9th.

4 Q. And had it paid the regulatory fee?

5 A. No.

6 Q. Had it filed the annual report?

7 A. No.

8 Q. I believe the next one was South Sound
9 Moving; is that correct?

10 A. Yes. LLC.

11 Q. And -- sorry. Go ahead. LLC? I'm sorry.

12 A. Yes.

13 Q. Yes, South Sound Moving LLC.

14 Did you look into whether South Sound had paid
15 the regulatory fee or filed the annual report due May
16 1st, 2022?

17 A. Yes.

18 Q. And when did you most -- when did you most
19 recently do that?

20 A. Monday, January 9th.

21 Q. And had it paid the regulatory fee?

22 A. No.

23 Q. Had it filed the annual report?

24 A. No.

25 Q. And I believe the last respondent is Sunny Side

1 Moving LLC; correct?

2 A. Correct.

3 Q. And in the performance of your duties, did you
4 look into whether Sunny Side Moving had paid the
5 regulatory fee or filed the annual report?

6 A. Yes.

7 Q. When did you most recently look into either of
8 those things?

9 A. Monday, January 9th.

10 Q. And at the time you looked, had Sunny Side paid
11 the regulatory fee?

12 A. No.

13 Q. Had it filed the necessary annual report?

14 A. No.

15 MR. ROBERSON: I have no further questions.

16 THE COURT: Okay. Thank you.

17 Sorry, it always takes me a while to get to
18 my mute button.

19 Mr. Roberson, is there anything that you
20 would like to summarize? Or would you like to make a
21 closing statement?

22 MR. ROBERSON: It's pretty cut and dry. I
23 believe it's WAC 480-15-480 requires carriers on May 1st
24 to file an annual report and pay regulatory fees.

25 Ms. Stark summarized what those cover. She also

1 explained that none of those carriers did any of those
2 things.

3 WAC 480-15-480(4)(b), I believe, allows --
4 or permits the Commission to cancel the permit of a
5 household goods carrier that either fails to pay fees or
6 file the necessary report.

7 These carriers have failed to do either; the
8 Commission should just cancel their permits.

9 THE COURT: Thank you.

10 Okay. Well, I will issue an order in this
11 docket reflecting that the companies that were held in
12 default today were -- were held in default today for
13 failing to appear and that the record supports not only
14 holding those companies in default but also canceling
15 their household goods permits.

16 So is there anything else we need to address
17 today?

18 MR. ROBERSON: Not from staff.

19 THE COURT: Okay. Thank you all so much.

20 Again, I apologize for my tardiness and have
21 a great day. We're adjourned.

22

23 (Hearing adjourned at 2:09 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
 COUNTY OF KITSAP)

I, CRYSTAL R. McAULIFFE, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the videoconference Brief Adjudicative Proceeding on JANUARY 11, 2023, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of January, 2023.

Crystal McAuliffe 

CRYSTAL R. McAULIFFE, RPR, CCR #2121