

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint for  
Penalties Against:

DOLLY, INC.

DOCKET TV-171212

ORDER 01

ORDER INSTITUTING SPECIAL  
PROCEEDING; COMPLAINT  
SEEKING TO IMPOSE PENALTIES

and

NOTICE OF BRIEF  
ADJUDICATIVE PROCEEDING  
(Set for March 13, 2018, at 9:30  
a.m.)

1 The Washington Utilities and Transportation Commission (Commission) on its own motion, and through its Staff, alleges as follows:

**I. PARTIES**

2 The Commission is an agency of Washington State authorized by state law to regulate the rates, services, facilities, and practices of public service companies, including motor freight carriers, household goods carriers, and solid waste collection companies under the provisions of Title 81 RCW.

3 Dolly, Inc. (Dolly or Company) is a Delaware corporation conducting business in the state of Washington.

**II. BACKGROUND**

4 The Commission has information from which it believes and therefore alleges that Dolly on 22 occasions violated provisions in Title 81 RCW that forbid engaging in business as a household goods carrier or advertising for the transport of property without first obtaining the necessary permits from the Commission, and also that Dolly on three occasions violated provisions in Title 81 RCW that forbid operating for the hauling solid waste for compensation without first obtaining a certificate of public convenience and necessity from the Commission.

5 Upon proof of these allegations, RCW 81.04.510 authorizes the Commission to issue an order requiring Dolly to cease and desist activities subject to regulation under Title 81

RCW. In addition, RCW 81.04.110 authorizes the Commission to file a complaint on its own motion setting forth any act or omission by Dolly that violates any law or any order or rule of the Commission. The Commission may impose financial penalties of up to \$5,000 for each instance that Dolly engaged in business as a household goods carrier without first obtaining the necessary permit and \$1,000 for each instance that Dolly advertised for the transportation of property other than household goods for compensation without a Commission-issued permit and also for each instance that Dolly operated for the hauling of solid waste without a Commission-issued certificate of public convenience and necessity.

- 6 At the hearing in this special proceeding the Commission notices here, the Commission will also consider its Complaint against Dolly alleging violations of law as specified below and whether to penalize Dolly.
- 7 The following facts, set forth in Staff's publicly-docketed Investigation Report, establish probable cause for the Commission to complain against the activities of Dolly and to seek penalties in accordance with applicable law.
- 8 Dolly has never held either a household goods carrier or a common carrier permit from the Commission. Nor has Dolly ever held a certificate of public convenience and necessity from the Commission authorizing it to operate for the hauling of solid waste.
- 9 Pictures displayed on Dolly's website, Facebook, Twitter, LinkedIn, and Yelp show movers wearing shirts bearing the Dolly logo and loading items into vehicles either marked with the Dolly logo or flying a flag bearing that logo. A video on Dolly's webpage similarly shows movers and trucks marked with the Dolly logo. Dolly's Pinterest page shows a truck emblazoned with the Dolly logo.
- 10 Dolly's website homepage page also contains a video explaining how to book transportation or hauling with Dolly.
- 11 Under a heading advertising "Truck & Muscle" services, the homepage advertises for the movement of household goods, the transport of property other than household goods, and the hauling of solid waste. For example, Dolly asks "[n]ew digs?" then promises "[g]et your furniture delivered fast." Dolly also asks "[s]tuff you don't want?" and advises that consumers should "[h]aul it away."
- 12 The "Services" tab of Dolly's website advertises specific types of moves. These include "[a]partment [m]oves" for those "need[ing] help moving large items like beds, dressers, tables, couches[,] and more;" "Craigslist & Offerup [p]ick-[u]p & [d]elivery;" "[r]etail [s]tore [d]elivery," which Dolly claims is "[c]onvenient, faster[,] and often cheaper than traditional store delivery options;" "[s]mall [b]usiness [m]oves," wherein "Dolly is [the]

truck rental, trailer rental[,] and moving company alternative;” “[s]torage [m]oves;” and “[j]unk [r]emoval,” wherein “Dolly helpers will remove and haul away your junk,” a service that “[i]ncludes trash removal and responsible disposal.”

- 13 The “About” tab of Dolly’s Facebook page contains a section titled “Ways to Use Dolly.” This section advises consumers that they may “[m]ove furniture between apartments, storage units, or a friend’s house” and “[p]ick up big items purchased on Craigslist, at a garage sale, or at Ikea, Crate & Barrel, or other retailers.” This tab also contains an explanation of how Dolly’s platform works and a statement that all of its movers “are backed by Dolly’s multi-million dollar insurance policy.”
- 14 Dolly advertises “[t]ruck & [m]uscle [a]nytime [y]ou [n]eed [i]t” on its Twitter page (@getDolly). There Dolly further states “[u]se our app to load, haul, and deliver just about anything, whenever you need it.” To simplify matters, the Twitter page contains a link to Dolly’s website.
- 15 Dolly’s LinkedIn page also advertises “[t]ruck & [m]uscle [a]nytime [y]ou [n]eed [i]t.” The page asks consumers if they “[h]ave moving or delivery needs?” The page then advises “[d]on’t waste your time or money – use Dolly to find help on your schedule at an affordable price.” The page then informs consumers that, after they have booked a move, “[w]e’ll keep the large items off the roof of your of your car, save you a trip to the chiropractor, and help make moving things – big and small –easy and fast.” The page then offers ways to use Dolly, including moving household goods and transporting property.
- 16 Dolly’s iTunes page describes the company as offering “a fast, easy, and affordable way to get help with your apartment move” or transport property or remove junk. The page informs consumers that they can “[u]se Dolly to load, haul, and deliver just about anything. Easy. Affordable. Whenever you need it.”
- 17 Dolly’s Craigslist page provides “[n]eed a truck to move[]? Use the new Dolly app instead.” The page goes on to state “If you’re like most of us, you do not like the idea of moving things. Thankfully, there’s a nice app called Dolly to assist with exactly that. Dolly provides the truck in fact the labor to promptly and affordably move your stuff when you need it.”
- 18 Dolly has posted several videos to YouTube. One of these, posted on October 25, 2016, announces that “Dolly is your go to local moving and delivery service. Book a 30-minute window that works for you and get a guaranteed price upfront.” The video then informs consumers that “A background checked helper will safely move your items to give you the peace of mind that your items will arrive just as they were picked up. Save time, money, and your back. Let Dolly take care of it.”

- 19 Dolly's Pinterest Page states "A helper with a truck will come move your stuff."
- 20 Dolly's Instagram page posts a newspaper article discussing the company. The article summarizes the company's service and cites Dolly's CEO as explaining Dolly as "giv[ing] customers a way of moving items without the awkwardness of asking a friend, or the inconvenience of renting trucks or using a moving company."
- 21 Dolly purchased space on a billboard on 15th Avenue West in Seattle on or around July 28, 2016. The billboard displayed the words "Muck Foving.com."
- 22 The website listed on Dolly's billboard ([www.muckfoving.com](http://www.muckfoving.com)) hosts a video advertising Dolly's services. The video states that Dolly "will take your stuff from wherever it's at to wherever it needs to be whenever you want it to be there." The page finishes with the words "Muck renting a truck. Muck exorbitant delivery fees. Muck asking a friend. Next time, book a Dolly" placed over a link to Dolly's website.
- 23 Dolly's Yelp page advertises the company as "Movers, Couriers & Delivery Services, [&] Junk Removal & Hauling."

### III. JURISDICTION

- 24 The Commission has jurisdiction over the subject matter of this complaint under RCW 80.01.040, RCW 80.01.060, RCW 81.01.010, RCW 81.04.020, RCW 81.04.110, RCW 81.04.160, RCW 81.04.460, RCW 81.04.510, chapter 81.77 RCW, chapter 81.80 RCW, and chapter 34.05 RCW.

### IV. APPLICABLE LAWS AND REGULATIONS

- 25 Household goods carriers, freight carriers, and solid waste collection companies are common carriers. RCW 81.04.010(11). For the purposes of Title 81 RCW, every common carrier is a public service company, RCW 81.04.010, and therefore subject to Commission regulation. *See* RCW 80.01.040(2); RCW 81.01.010.
- 26 Under state law, the definition of "household goods carrier" includes a person who "advertises, solicits, offers, or enters into an agreement to transport household goods" as defined by the Commission within the state of Washington. RCW 81.80.010(5).
- 27 The term "person" encompasses firms as well as individuals. RCW 81.04.010(6). Specifically included in this term are companies, corporations, and partnerships. WAC 480-15-020.

- 28 The Commission defines household goods as “the personal effects and property used, or to be used, in a residence” in the context of transportation from one residence to another, or to a storage facility. WAC 480-15-020.
- 29 No person may engage in business as a household goods carrier within the state of Washington without first obtaining a household goods carrier permit from the Commission. RCW 81.80.075(1).
- 30 Any person who engages in business as a household goods carrier in the state of Washington without the required permit is subject to a penalty of up to five thousand dollars per violation. RCW 81.80.075(4). If the basis for the violation is advertising, each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation. RCW 81.80.075(4)(a).
- 31 When deciding the amount of the penalty to be ordered for engaging in business as a household goods carrier without a household goods carrier permit, the Commission must consider (1) the carrier’s willingness to comply with the requirements of RCW 81.80.070 and the Commission’s household goods carrier rules; and (2) the carrier’s history of compliance with the provisions of RCW 81.80.075. RCW 81.80.075(4)(b).
- 32 In the context of motor freight carriers, the term “[c]ommon carrier” means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules.” RCW 81.80.010(1).
- 33 The term “person” includes corporations. RCW 1.16.080(1); *see* RCW 81.04.010(6).
- 34 No motor freight common carrier may operate for the transportation of property for compensation in Washington without first obtaining a permit from the Commission. RCW 81.80.070(1).
- 35 No person may display on any building, vehicle, billboard, or in any manner, any advertisement of, or by circular, letter, newspaper, magazine, poster, card, or telephone directory, advertise the transportation of property for compensation without first having obtained a permit authorizing him or her to operate as a common carrier. RCW 81.80.355.
- 36 The general penalty provisions in chapter 81.04 RCW apply to violations of the provisions of chapter 81.80 RCW unless those provisions specify otherwise. RCW 81.80.360. Chapter 81.04 RCW prescribes penalties of up to \$1,000 for each and every violation of the public service laws by a public service company. RCW 81.04.380.

- 37 Under state law, a “[s]olid waste collection company’ means every person . . . owning, controlling, operating, or managing vehicles used in the business of transporting solid waste for collection or disposal, or both, for compensation, except septic tank pumpers, over any public highway in this state as a ‘common carrier’ or as a ‘contract carrier.’” RCW 81.77.010.
- 38 The term “common carrier,” in the context of solid waste collection, means “any person who collects and transports solid waste for disposal by motor vehicle for compensation, whether over regular or irregular routes, or by regular or irregular schedules.” RCW 81.77.010(3).
- 39 The term “person” includes corporations. WAC 480-70-041.
- 40 “Solid waste” includes “all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, [and] abandoned vehicles;” solid waste does not include recyclable materials “except for source separated recyclable materials collected from residences.” RCW 70.95.030(22); RCW 81.77.010(9).
- 41 “Operating for the hauling of solid waste for compensation includes advertising, soliciting, offering, or entering into an agreement to provide” such services. RCW 81.77.040.
- 42 No solid waste collection company may operate for the hauling of solid waste for compensation without first obtaining a certificate of public convenience and necessity from the Commission. RCW 81.77.040.
- 43 Any solid waste collection company operating for the hauling of solid waste for compensation without the necessary permit is subject to a penalty of up to \$1,000 per violation. RCW 81.04.380. Where alleged violation concerns advertising, each advertisement reproduced, broadcast, or displayed by a particular medium constitutes a separate violation. RCW 81.77.090(2).
- 44 The Commission is authorized to file a complaint on its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the Commission. RCW 81.04.110.

## V. COMPLAINT

45 The Commission, through its Staff, realleges the allegations contained in paragraphs 8 through 23 above.

46 The Commission alleges that Dolly violated RCW 81.80.075 a total of 11 times by engaging in business as a household goods carrier without first having obtained a permit from the Commission. Specifically, Dolly engaged in business as a household goods carrier 11 times by advertising to do so on its company website, billboards, Facebook, Instagram, Twitter, LinkedIn, iTunes, Craigslist, YouTube, Pinterest, Yelp, and newspaper articles.

47 Dolly violated RCW 81.80.355 a total of 11 times by advertising for the transportation of property within this state without first having obtained from the Commission a common carrier permit. Specifically, Dolly advertised for the transport of property for compensation on its company website, billboards, Facebook, Instagram, Twitter, LinkedIn, iTunes, Craigslist, YouTube, Pinterest, Yelp, and newspaper articles.

48 Dolly violated RCW 81.77.040 by operating for the hauling of solid waste without first having obtained from the Commission a certificate of public convenience and necessity. Specifically, Dolly operated for the hauling of solid waste a total of three times by advertising to do so on its website, YouTube, and Yelp.

## VI. REQUEST FOR RELIEF

49 Staff requests that the Commission, pursuant to its authority under RCW 81.04.380 and RCW 81.80.075, assess penalties of up to \$5,000 against Dolly for each violation of RCW 81.80.075.

50 Staff also requests that the Commission, pursuant to its authority under RCW 81.04.380 and RCW 81.80.360, assess penalties of up to \$1,000 against Dolly for each violation of RCW 81.80.355.

51 In addition, Staff requests that the Commission, pursuant to its authority under RCW 81.04.380, assess penalties of up to \$1,000 against Dolly for each violation of RCW 81.77.040 and RCW 81.77.090(2).

52 Staff further requests that the Commission order Dolly to cease and desist activities subject to regulation under Title 81 RCW until it has obtained the necessary authority from the Commission.

53 Finally, Staff requests that the Commission order such other or additional relief as is appropriate under the circumstances.

**VII. PROBABLE CAUSE**

54 Based on a review of the Staff Investigation Report documenting the violations alleged above, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

**VIII. ORDER AND NOTICE OF BRIEF ADJUDICATIVE PROCEEDING**

55 The Commission has jurisdiction to institute a special proceeding to determine whether Dolly is conducting business requiring operating authority, or has performed or is performing any act requiring Commission approval without securing such approval pursuant to RCW 80.01.040, RCW 81.01.010, and RCW 81.04.510. In addition to the foregoing statutes, this matter involves Title 81 RCW, including but not limited to RCW 81.04.020; RCW 81.04.380, RCW 81.77.010, RCW 81.77.040, RCW 81.77.090, RCW 81.80.010, RCW 81.80.070, RCW 81.80.075, RCW 81.80.355, and RCW 81.80.360. This matter also involves the administrative rules set forth in chapters 480-07, 480-14, 480-15, and 480-70 WAC.

56 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for resolving the issues in this docket.

57 **THE COMMISSION ORDERS Dolly to appear before the Commission in this special proceeding conducted under the authority of RCW 81.04.510 at 9:30 a.m. on March 13, 2018, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington,** to give testimony and evidence under oath as to its operations. The burden of proving that the alleged operations are not subject to the provisions of Title 81 RCW shall be upon Dolly as provided by RCW 81.04.510.

58 **THE COMMISSION GIVES NOTICE THAT it will conduct a brief adjudicative proceeding concerning this Complaint concurrently with the special proceeding noticed above, which will commence at 9:30 a.m. on March 13, 2018, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

59 Administrative law judge Dennis J. Moss from the Commission's Administrative Law Division will preside at the brief adjudicative proceeding.

60 **THE COMMISSION GIVES NOTICE THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING OR ANY OTHER STAGE OF THIS PROCEEDING MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440 AND WAC 480-07-450.**



61 If a limited English-speaking or hearing-impaired party needs an interpreter, a form is attached to this notice to be filled out and returned as indicated, so that the Commission may appoint a qualified interpreter at no cost to the party or witness.

62 The names and mailing addresses of all parties and their known representatives are shown as follows:

Carrier: Dolly, Inc.  
Michael Howell, Chief Executive Officer  
901 5th Avenue, Suite 600  
Seattle, WA 98164

Representative: Donna Barnett  
Perkins Coie LLP  
10885 N.E. Fourth Street, Suite 700  
Bellevue, WA 98004  
(425) 635-1400

Commission: Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

Representative: Jeff Roberson  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1188

DATED at Olympia, Washington, and effective January 10, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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GREGORY J. KOPTA  
Administrative Law Judge  
Administrative Law Division

Inquiries may be addressed to:

Executive Director and Secretary  
Washington Utilities and Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-116

**NOTICE**

PLEASE NOTE: Hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Steven King, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION.)

Docket: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired: (Yes)\_\_\_\_\_ (No)\_\_\_\_\_

Do you need a certified sign language interpreter?

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_)\_\_\_\_\_