

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

TRANSIT SYSTEMS, INC.
d/b/a MOVES FOR SENIORS

DOCKET TV-170747

COMMISSION STAFF'S MOTION
TO IMPOSE SUSPENDED PENALTY

I. INTRODUCTION

1 Pursuant to WAC 480-07-375(1)(a), Commission Staff (Staff) of the Washington
Utilities and Transportation Commission (Commission) requests that the Commission
require Transit Systems, Inc. d/b/a Moves for Seniors (MFS) to pay the remaining
\$5,000 portion of the penalty imposed but suspended in the Commission's final order in this
docket because the company continues to engage in business as an unpermitted household
goods carrier in violation the terms of the penalty suspension.

II. RELIEF REQUESTED

2 Staff requests that the Commission lift the suspension of the penalty in this docket
and require MFS to pay the remaining \$5,000 balance of the penalty imposed in the
Commission's final order.

III. STATEMENT OF FACTS

3 In March 2018, the Commission entered its final order in this docket, Order 04.¹ In
Order 04, the Commission classified MFS as a household goods carrier based on evidence
that "MFS advertises, solicits, offers, and enters into agreements to transport household

¹ See generally *In re Determining the Proper Carrier Classification of, and Complaint for Penalties Against Transit Sys., Inc. d/b/a Moves for Seniors*, Docket TV-170747, Order 04 (Mar. 21, 2018).

goods in Washington for compensation.”² As a result, the Commission ordered MFS to cease and desist from further violations of chapter 81.80 RCW³ and also imposed on the company a \$10,000 penalty.⁴ The Commission, however, suspended a \$5,000 portion of that penalty, and provided for the waiver of the suspended portion thereafter, on the condition that MFS refrained from further violations of chapter 81.80 RCW.⁵

4 In February 2020, Staff reviewed MFS’s compliance with the terms of Order 04 and determined that the company has failed to abide by the terms of the penalty suspension, in two ways.⁶

5 First, MFS continues to offer to transport household goods for compensation over the public highways of Washington State. Staff obtained from MFS⁷ a quote for the transport of household goods, specifically “six pieces of furniture and 14 medium sized boxes” between points in Bellingham, Washington, and Olympia, Washington.⁸ MFS offered to provide this transport for \$1,500.⁹

6 Second, MFS continues to advertise for the transport of household goods. Staff discovered an online advertisement describing MFS as the partner of the Holiday Touch retirement communities¹⁰ and stating, along with linked resources, that MFS provides

² *Id.* at 7 ¶ 21.

³ *Id.* at 8 ¶ 28.

⁴ *Id.* at 8-9 ¶ 29.

⁵ *Id.* at 8-9 ¶ 29.

⁶ Decl. of Jacque Hawkins-Jones at 1 ¶ 2.

⁷ Technically, Transit Systems, Inc. provided the quote rather than MFS, but the two are indistinguishable because MFS is TSI’s trade name, *e.g.*, *id.* at 4 ¶ 14, and not a separate corporate entity. *Duval v. Midwest Auto City, Inc.*, 425 F. Supp. 1381, 1387 (D. Neb. 1977) (“The designation “d/b/a” means “doing business as” but is merely descriptive of the person or corporation who does business under some other name. Doing business under another name does not create an entity distinct from the person operating the business. The individual who does business as a sole proprietor under one or several names remains one person, personally liable for all his obligations. So also with a corporation which uses more than one name.”).

⁸ Decl. of Jacque Hawkins-Jones at 3 ¶ 11, Attachment G.

⁹ *Id.*

¹⁰ *Id.* at 2-3 ¶ 9.

moving services to assist seniors downsize from their homes and relocate to Holiday Touch retirement communities.¹¹ The advertisement, which identifies MFS as able to help with “local moves,” contains a picture of a truck marked with the MFS logo and text showing the company’s name and logo and providing “Let us take care of the move.”¹² The online advertisement links to various pages identifying MFS as serving Washingtonians.¹³

7 MFS has not obtained a household goods carrier permit that would authorize it to engage in business as a household goods carrier.¹⁴ The company applied for a permit in Docket TV-180640, but the Commission dismissed its application after MFS failed to respond to requests that the company provide necessary information.¹⁵

IV. STATEMENT OF ISSUES

8 Whether the Commission should order MFS to pay the \$5,000 portion of the penalty imposed but suspended in the Commission’s final order in this docket because of the company’s failure to comply with the terms of the penalty suspension.

V. EVIDENCE RELIED UPON

9 Staff relies on the declaration of Jacque Hawkins-Jones, which is filed concurrently with this motion, and the evidence in the record in this docket.

VI. ARGUMENT

10 In Order 04, the Commission suspended a \$5,000 portion of the \$10,000 penalty it imposed on MFS, “subject to the condition that the Company refrains from operating as a household goods carrier in the state of Washington without first obtaining a permit.”¹⁶ MFS

¹¹ *Id.* at 2-3 ¶¶ 9, Attachment H.

¹² *Id.* at Attachment E.

¹³ *Id.* at 3-4 ¶¶ 10, 12, 13.

¹⁴ *Id.* at 4 ¶ 15.

¹⁵ *In re Application of Transit Systems, Inc.*, Docket TV-180640, Dismissal Letter from Suzanne Stillwell (Feb. 25, 2019).

¹⁶ *In re Determining the Proper Carrier Classification of, and Complaint for Penalties Against Transit Sys.*,

has failed to comply with that condition: it continues to operate as a household goods carrier by offering to transport household goods over the public highways for compensation and also by advertising to do so.¹⁷ The Commission should lift the suspension and order the company to pay the remaining \$5,000 balance of the penalty it imposed in this docket.

VII. CONCLUSION

Staff requests that the Commission grant its motion, lift the suspension of a portion of the penalty in this docket, and order MFS to pay the outstanding penalty balance.

DATED this 26th day of March 2020.

Respectfully submitted,

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Inc. d/b/a Moves for Seniors, Docket TV-170747, Order 04, at 7 ¶ 17.

¹⁷ RCW 81.80.010 (defining household goods carrier as a person offering or advertising to provide the transport of household goods), .075.