

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of PENALTY ASSESSMENT
AGAINST CAVLOGIX CORPORATION,
D/B/A TEMPSTORE MOVING
COMPANY, in the amount of \$3,100

DOCKET NO. TV-051913

DECLARATION OF
BETTY YOUNG

BETTY YOUNG, under penalty of perjury under the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (commission) as a Compliance Specialist in the Business Practices Investigations Section. I have been employed at the commission for seven years, holding various positions. As a Compliance Specialist, my responsibilities include conducting investigations regarding the business practices of regulated utility or transportation companies. As part of those duties, I investigate regulated household goods carriers that may be operating in violation of commission statute, rule, or tariff.
3. On January 13, 2006, Cavlogix Corporation, d/b/a TempStore Moving Company (TempStore), filed with the commission an Application for Mitigation of Penalties (Mitigation Request) in Docket No. TV-051913. I have read the Mitigation Request.
4. This Mitigation Request arises from a Notice of Penalties Incurred and Due for Violations of Laws, Rules and Regulations issued by the commission on January 3, 2006, in Docket No. TV-051913. In that Notice, the commission issued penalties of \$3,100.00 for 31 violations of WAC 480-15 and Tariff 15-A.
5. Before recommending the commission issue penalties, as part of my job, I conducted two audits of TempStore's business practices. My initial audit resulted in a staff report titled "Cavlogix Corporation, d/b/a TempStore Moving Company Staff Investigation," dated December 2004. A true and accurate copy of that audit report is attached to this declaration as Attachment A. My second audit resulted in a Staff report titled "2005 Post-Audit Review of the Business Practices of Cavlogix Corporation, d/b/a TempStore Moving Company," dated November 2005. A true and accurate copy of the post-audit review report is attached to this declaration as Attachment B.
6. I sent a copy of staff's initial audit report to TempStore in January 2005. On January 4, 2006, the commission's Records Center sent a copy of staff's post-

audit review report in docket TV-051913 to TempStore through its operating manager, Chris Jennings, by mail with the penalty assessment.

7. I identified the violations in this case from records provided by TempStore which indicated that the company was out of compliance with a number of commission rules and tariff items.

Specific Issues Addressed by TempStore in its Mitigation Request

Item #1 – One violation of Tariff 15-A, Item 85(7)(e)(x)

8. In its Mitigation Request, TempStore, on the issue of item one on the Notice of Penalties, states that the copy of the non-binding estimate form submitted to the commission was an incorrect form. TempStore also points out that it used the correct non-binding estimate form on the move for customer Mackay, as shown on page 63 in staff's report.¹ TempStore asks that the violation be reduced or exempted.
9. The non-binding estimate for customer Mackay does contain a remarks section. Based on this information, it appears that TempStore has revised its form. I support mitigation of this penalty item.

Item #4 – One violation of WAC 480-15-650(2)(i)

10. In its Mitigation Request, TempStore, on the issue of item four on the Notice of Penalties, states that the form depicted on page 64 of staff's report is not that of an inventory sheet but rather a copy of the packing materials used on the customer's move.² TempStore asks that the violation be reduced or exempted.
11. On October 10, 2005, I specifically requested a copy of the inventory for Ms. Mackay's non-binding estimate by e-mail³. The document shown on page 64 of the report is the form I received from TempStore in response to that request. To date, TempStore has provided no evidence that the required inventory was completed for this estimate. I oppose mitigation of this penalty item.

Items #5-7 – Five violations

12. In its Mitigation Request, TempStore, on the issue of items five through seven on the Notice of Penalties, asks that all of the violations be reduced or exempted because they were caused by a former employee.
13. TempStore is responsible for ensuring that the rules and regulations of the commission are followed. I oppose mitigation of these penalty items.

¹ See Attachment B at page 63

² See Attachment B at page 64

³ See Attachment C

Item #8 – Four violations of WAC 480-15-490(5) and Tariff 15-A, Item 100

14. In its Mitigation Request, TempStore, on the issue of item eight on the Notice of Penalties, provides reasons why the inventory was not signed by the customer. TempStore also states that the reason no destination address is listed is because the customer did not know what her new permanent address would be. TempStore requests that two violations be reduced or exempted.
15. There were no violations noted on this item for lack of customer signature or destination address. As outlined on page 19 of the staff's report, violations were noted because the following four required items were missing from storage-in-transit records: 1) the number of the bill of lading under which the shipment is moving, 2) the condition of each article when it was forwarded from (left) the warehouse, 3) the dates when all charges, advances, or payments were made or received, and 4) the date the shipment was forwarded from the warehouse.⁴ TempStore did not address these violations in its Mitigation Request. I oppose mitigation of this penalty item.

Item #9 – Three violations of WAC 480-15-740(3) and Tariff 15-A, Item 95(2)(d)

16. In its Mitigation Request, TempStore, on the issue of item nine on the Notice of Penalties, asks that all of the violations be reduced or exempted because the violations were caused by former employees.
17. TempStore is responsible for ensuring that the rules and regulations of the commission are followed. I oppose mitigation of this penalty item.

Item #10 – Eight violations of WAC 480-15-490(5) and Tariff 15-A, Item 95(2)(g)

18. In its Mitigation Request, TempStore, on the issue of item 10 on the Notice of Penalties, asks that six of the eight violations be reduced or exempted because the violations were caused by a former employee.
19. TempStore is responsible for ensuring that the rules and regulations of the commission are followed. I oppose mitigation of this penalty item.

Item #13 – One violation of WAC 480-15-490(5) and Tariff Item 230(4)

20. In its Mitigation Request, TempStore, on the issue of item 13 on the Notice of Penalties, asks that the violation be reduced or exempted because the violation was caused by a former employee.
21. TempStore is responsible for ensuring that the rules and regulations of the commission are followed. I oppose mitigation of this penalty item.

⁴ See Attachment B at page 19

Item #14 – One violation of WAC 480-15-740

22. In its Mitigation Request, TempStore, on the issue of item 14 on the Notice of Penalties, asks that the violation be reduced or exempted because the violation was caused by a former employee.
23. TempStore is responsible for ensuring that the rules and regulations of the commission are followed. I oppose mitigation of this penalty item.

DATED February 1, 2006, at Olympia, Washington.

BETTY YOUNG