

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Penalty Assessment TV-081675)	DOCKET TV-081675
against)	
)	ORDER 01
)	
NEIGHBORS MOVING & STORAGE)	INITIAL ORDER RESCINDING
OF SEATTLE, INC.)	PENALTY ASSESSMENT
)	
.....)	

- 1 *Synopsis. This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Commission or allowed to become effective pursuant to the notice at the end of this Order. This Order would rescind the penalty assessment against Neighbors Moving & Storage of Seattle, Inc.*

- 2 On September 25, 2008, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Neighbors Moving & Storage of Seattle, Inc. (Neighbors) in this docket in the amount of \$5000 for five violations of Washington Administrative Code (WAC) 480-15-610, which prohibits household goods carriers from advertising services or rates and charges that conflict with those in the Commission’s Household Goods Tariff 15-C.

- 3 The Commission issued the penalty assessment against Neighbors using the process provided for penalties assessed under RCW 81.04.405, rather than issuing a complaint alleging violations of WAC 480-15-610, seeking penalties under RCW 81.04.380, and setting the matter for hearing. For this reason, the Commission now rescinds the penalty assessment issued in this docket.

- 4 If the Staff of the Commission seeks to pursue assessing penalties against Neighbors for the alleged violations described in the penalty assessment, the Commission will issue a complaint against Neighbors and will schedule a hearing to consider the allegations set forth in the complaint.

ORDER

5 The Commission rescinds the \$5000 penalty assessed in this docket on September 25, 2008.

DATED at Olympia, Washington, and effective October 1, 2008.

ANN E. RENDAHL
Administrative Law Judge

NOTICE TO THE 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 480-07-825(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*. 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 (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. You will be notified if this order becomes final.

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 three (3) copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250