

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

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

JFS TRANSPORT INC., d/b/a COAST  
MOVERS,

Respondent.

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

JFS TRANSPORT INC., d/b/a COAST  
MOVERS

DOCKETS TV-180315 and  
TV-200861

*(Consolidated)*

ORDER 05

VACATING DEFAULT ORDER;  
REOPENING PROCEEDING FOR  
FURTHER PROCESS

**BACKGROUND**

- 1 On December 1, 2020, the Washington Utilities and Transportation Commission (Commission) issued a Complaint for Penalties; Notice of Prehearing Conference (Notice) set for Tuesday, January 12, 2021, at 9:30 a.m. in Docket TV-200861.
- 2 On December 1, 2020, the Commission electronically served the Complaint and Notice on JFS Transport Inc., d/b/a Coast Movers (JFS or Company). That same day, Commission staff (Staff) filed a Motion to Impose Suspended Penalties in Docket TV-180315 and Motion to Consolidate Proceedings. In its motion, Staff explained that both the Complaint in Docket TV-200861 and the Motion to Impose Suspended Penalties in Docket TV-180315 arose from the same alleged violations, and that Staff thus requests that the matters be heard concurrently.
- 3 On January 12, 2021, the prehearing conference convened virtually as scheduled before Administrative Law Judge Samantha Doyle. Staff was the only party to appear at the hearing. Staff moved that JFS be held in default pursuant to RCW 34.05.440(2) and WAC 480-07-450(1).

- 4 The Commission granted Staff's motion, and additionally found that JFS operated as a household goods carrier without the required Commission-issued permit. The presiding officer also granted Staff's December 1, 2020, motion to consolidate Docket TV-200861 with Docket TV-180315.
- 5 On January 22, 2021, the Commission issued Order 03, Consolidating Dockets; Prehearing Conference Order; Ordering Respondent to Cease and Desist; Default Order; Imposing Penalties (Order 04). Order 04 found that JFS committed the violations alleged in the Complaint, required JFS to pay a \$20,000 penalty for four violations of RCW 81.80.075 and imposed the \$10,000 penalty suspended in Docket TV-180315. Finally, the Commission ordered JFS to cease and desist from future unauthorized operations.
- 6 On January 27, 2021, JFS filed with the Commission a Motion to Vacate Default Order (Motion). In its Motion, the Company stated that, due to intervening family circumstances, it did not receive the Commission's Notice scheduling the proceeding until after the Commission entered Order 04.

#### **DISCUSSION AND DECISION**

- 7 We grant JFS's Motion and vacate Order 04 in Dockets TV-200861 and TV-180315. The Commission's goal in any enforcement proceeding is to obtain compliance with Commission laws and rules. Companies who appear at prehearing conferences are afforded the opportunity to schedule settlement negotiations with Staff. When parties come to an agreement, it typically includes a penalty, a significant portion of which is suspended on condition of future compliance, as well as a commitment from the company that it will cease and desist all illegal operations. Companies are also afforded the opportunity to schedule a hearing for a later date to offer evidence that its operations are not subject to Commission regulation.
- 8 Affording JFS the opportunity to discuss its current and past conduct with Staff will necessarily include valuable technical assistance from Staff about what JFS can and cannot do without a Commission-issued permit. In addition, affording JFS the opportunity to contest that its operations are regulated by the Commission is consistent with due process in light of the fact that the Company denies receiving notice prior to the prehearing conference. Accordingly, we find that vacating Order 04 is in the public interest and conclude that these consolidated proceedings should be reopened for further process.
- 9 Within 30 days of the date of this Order, Staff must do one of the following:

- File with the Commission a settlement agreement that resolves all of the issues in these proceedings;
- File with the Commission a letter providing a status update of the parties' negotiations; or
- File with the Commission a letter recommending the matter be set for hearing.

**ORDER**

- 10 (1) JFS Transport Inc.'s, d/b/a Coast Movers, Motion to Vacate Default Order 04 is GRANTED, and Order 04 is VACATED.
- 11 (2) These proceedings are reopened for further process. Within 30 days of the date of this Order, Commission Staff must take one of the actions identified in paragraph 9 of this Order.
- 12 (3) The Commission retains jurisdiction over the subject matter and the parties to this proceeding to effectuate the terms of this Order.

DATED at Lacey, Washington, and effective February 10, 2021.

*/s/ Samantha Doyle*  
SAMANTHA DOYLE  
Administrative Law Judge