

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

BECKER TRUCKING INC.,
ESTABLISHED MOVING & STORAGE
OF EVERETT, INC., ESTABLISHED
MOVING & STORAGE OF SPOKANE,
INC., HELP-U-MOVE, INC., HURLEY
PIANO SERVICES, LLC, IN & OUT
MOVERS LLC, IRON MOUNTAIN
INFORMATION MANAGEMENT
SERVICES, INC., MIRACLE MAN
MOVERS LLC, MOVE FOR LESS LLC,
MOVER FOR YOU LLC, PARTNERS
TRANSPORT, INC., SAENZ,
ABRAHAM, SMART MOVE LLC,
SOUTH SOUND MOVING LLC, SUNNY
SIDE MOVING LLC, WHIDBEY
LOGISTICS, LLC,

Respondents.

DOCKET TV-220874

INITIAL ORDER
GRANTING MOTION TO
DISMISS COMPLAINT
AGAINST IRON
MOUNTAIN
INFORMATION
MANAGEMENT SERVICES,
INC., MIRACLE MAN
MOVERS, LLC, AND
WHIDBEY LOGISTICS,
LLC; GRANTING MOTION
TO FIND REMAINING
COMPANIES IN DEFAULT
AND CANCEL
HOUSEHOLD GOODS
CARRIER PERMITS FOR
FAILURE TO FILE
ANNUAL REPORTS AND
PAY REGULATORY FEES

BACKGROUND

- 1 On December 12, 2022, the Washington Utilities and Transportation Commission (Commission) issued a complaint against Becker Trucking Inc. (Becker), Established Moving & Storage Everett, Inc. (Established Everett), Established Moving & Storage Spokane, Inc. (Established Spokane), Help-U-Move, Inc. (Help-U), Hurley Piano Services, LLC (Hurley), In & Out Movers LLC (In & Out), Iron Mountain Information Management Services, Inc. (Iron Mountain), Miracle Man Movers LLC (Miracle Man), Move for Less LLC (Move for Less), Mover For You LLC (Mover For You), Partners Transport, Inc. (Partners), Saenz, Abraham (Saenz), Smart Move LLC (Smart Move), South Sound Moving LLC (South Sound), Sunny Side Moving LLC (Sunny Side), and

Whidbey Logistics LLC (Whidbey). The complaint alleges that each company failed to file required annual reports for 2021 and failed to pay required regulatory fees. The Commission set this matter for hearing and notified all respondents that any party that failed to attend or participate in the hearing may be held in default.

- 2 The complaint was heard on January 11, 2023, before Administrative Law Judge Rayne Pearson. Jeff Roberson, Assistant Attorney General, Olympia, Washington represents Commission staff (Staff).¹ During the hearing, Staff presented the testimony of Rachel Stark, Regulatory Analyst. None of the household goods carriers named in the complaint appeared at the hearing or presented testimony.

DISCUSSION AND DECISION

- 3 **Applicable law.** Every public service company operating in Washington is required to file an annual report that sets forth the company's operations during the preceding year.² Every common carrier must also pay a regulatory fee of no more than one quarter of one percent of its gross income from intrastate operations for the previous calendar year on or before the date specified by the Commission.³ Commission rules require all permitted household goods carriers to file annual reports and pay regulatory fees by May 1.⁴ The Commission may cancel a household goods carrier permit for good cause, which includes, but is not limited to, the failure to file an annual report or pay regulatory fees.⁵ Any party who fails to attend or participate in a hearing scheduled by the Commission may be held in default.⁶
- 4 **Motion to Dismiss.** At the hearing, Staff moved to dismiss the complaint against Iron Mountain, Whidbey, and Miracle Man. Iron Mountain voluntarily canceled its permit, and both Whidbey and Miracle Man have come into compliance by filing their annual

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

² RCW 81.04.080.

³ RCW 81.80.321.

⁴ WAC 480-15-480.

⁵ WAC 480-15-450.

⁶ RCW 34.05.440; WAC 480-07-450.

reports and paying their regulatory fees. The motion to dismiss the complaint against these three companies was granted.

- 5 **Default.** Staff moved that Becker, Established Everett, Established Spokane, Help-U, Hurley, In & Out, Move for Less, Mover For You, Partners Transport, Saenz, Smart Move, South Sound, and Sunny Side be held in default for failing to appear at the hearing. The record reflects that each company was sent notice of the hearing by email at its email address of record and failed to appear or otherwise respond to the complaint. Therefore, the motion for default against each of the companies was granted. Even so, Staff requested that the Commission hear and dispose of the substantive issues brought in the complaint against Becker, Established Everett, Established Spokane, Help-U, Hurley, In & Out, Move for Less, Mover For You, Partners Transport, Saenz, Smart Move, South Sound, and Sunny Side.
- 6 **Complaint.** Staff witness Rachel Stark testified that she reviews Commission records to obtain a list of all companies that are delinquent in filing their annual reports or paying their regulatory fees. Rachel Stark reviewed data for each company named in the complaint on January 9, 2023.
- 7 Becker holds authority to transport household goods in the state of Washington for compensation. As such, Becker is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Becker failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, Becker failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Becker's household goods carrier permit should be canceled.
- 8 Established Everett holds authority to transport household goods in the state of Washington for compensation. As such, Established Everett is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Established Everett failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, Established Everett failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Established Everett's household goods carrier permit should be canceled.
- 9 Established Spokane holds authority to transport household goods in the state of Washington for compensation. As such, Established Spokane is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's

files and records shows that Established Spokane failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, Established Spokane failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Established Spokane's household goods carrier permit should be canceled.

- 10* Help-U holds authority to transport household goods in the state of Washington for compensation. As such, Help-U is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Help-U failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, Help-U failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Help-U's household goods carrier permit should be canceled.
- 11* Hurley holds authority to transport household goods in the state of Washington for compensation. As such, Hurley is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Hurley failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, Hurley failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Hurley's household goods carrier permit should be canceled.
- 12* In & Out holds authority to transport household goods in the state of Washington for compensation. As such, In & Out is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that In & Out failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, In & Out failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, In & Out's household goods carrier permit should be canceled.
- 13* Move for Less holds authority to transport household goods in the state of Washington for compensation. As such, Move for Less is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Move for Less failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, Move for Less failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Move for Less's household goods carrier permit should be canceled.

- 14 Mover For You holds authority to transport household goods in the state of Washington for compensation. As such, Mover For You is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Mover For You failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, Mover For You failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Mover For You's household goods carrier permit should be canceled.
- 15 Partners Transport holds authority to transport household goods in the state of Washington for compensation. As such, Partners Transport is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Partners Transport failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, Partners Transport failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Partners Transport's household goods carrier permit should be canceled.
- 16 Saenz holds authority to transport household goods in the state of Washington for compensation. As such, Saenz is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Saenz failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, Saenz failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Saenz's household goods carrier permit should be canceled.
- 17 Smart Move holds authority to transport household goods in the state of Washington for compensation. As such, Smart Move is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Smart Move failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, Smart Move failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Smart Move's household goods carrier permit should be canceled.
- 18 South Sound holds authority to transport household goods in the state of Washington for compensation. As such, South Sound is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that South Sound failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, South Sound failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, South Sound's household goods

carrier permit should be canceled.

19 Sunny Side holds authority to transport household goods in the state of Washington for compensation. As such, Sunny Side is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission’s files and records shows that Sunny Side failed to file its annual report for 2021 and failed to pay regulatory fees. Moreover, Sunny Side failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Sunny Side’s household goods carrier permit should be canceled.

FINDINGS AND CONCLUSIONS

- 20 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods carriers.
- 21 (2) Becker, Established Everett, Established Spokane, Help-U, Hurley, In & Out, Move for Less, Mover For You, Partners Transport, Saenz, Smart Move, South Sound, and Sunny Side are each a “public service company,” “common carrier,” and “household goods carrier” as those terms are defined and used in RCW Title 81.
- 22 (3) On December 12, 2022, the Commission entered a complaint and notice of hearing. The complaint against each of the above-named household goods carriers sought cancellation of the company’s permit for failure to submit an annual report and pay regulatory fees. The notice of hearing scheduled a hearing to convene virtually on January 11, 2023. Each of the above-named household goods carriers was properly served and notified of the hearing.
- 23 (4) Subsequent to the entry of the complaint, Miracle Man and Whidbey each filed its annual report and paid its regulatory fee. Accordingly, the complaint against Miracle Man and Whidbey should be dismissed.
- 24 (5) Subsequent to the entry of the complaint, Iron Mountain voluntarily canceled its household goods carrier permit. Accordingly, the complaint against Iron Mountain should be dismissed.
- 25 (6) The failure of Becker, Established Everett, Established Spokane, Help-U, Hurley, In & Out, Move for Less, Mover For You, Partners Transport, Saenz, Smart Move, South Sound, and Sunny Side to file their annual reports for

2021 and pay regulatory fees constitutes good cause to cancel their household goods carrier permit to operate in Washington.

- 26 (7) Becker, Established Everett, Established Spokane, Help-U, Hurley, In & Out, Move for Less, Mover For You, Partners Transport, Saenz, Smart Move, South Sound, and Sunny Side are in default for failure to appear at the January 11, 2023, hearing in this matter.

ORDER

THE COMMISSION ORDERS THAT:

- 27 (1) The complaint against Iron Mountain Information Management Services, Inc., Miracle Man Movers LLC, and Whidbey Logistics, LLC, is dismissed.
- 28 (2) Becker Trucking Inc., Established Moving & Storage of Everett, Inc., Established Moving & Storage of Spokane, Inc., Help-U-Move, Inc., Hurley Piano Services, LLC, In & Out Movers LLC, Move for Less LLC, Mover For You LLC, Partners Transport, Inc., Saenz, Abraham, Smart Move LLC, South Sound Moving LLC, and Sunny Side Moving LLC are in default.
- 29 (3) The household goods carrier permits held by Becker Trucking Inc., Established Moving & Storage of Everett, Inc., Established Moving & Storage of Spokane, Inc., Help-U-Move, Inc., Hurley Piano Services, LLC, In & Out Movers LLC, Move for Less LLC, Mover For You LLC, Partners Transport, Inc., Saenz, Abraham, Smart Move LLC, South Sound Moving LLC, and Sunny Side Moving LLC are canceled for failure to file annual reports for 2021 and pay regulatory fees.

DATED at Lacey, Washington, and effective January 12, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Judge

NOTICE TO 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 480-07-450(2) states that a party held in default has 10 days after service of a default order to file a written motion requesting the order be vacated and the proceeding reopened for further process. The party held in default must state the grounds relied upon, including its reasons for failing to appear.

WAC 480-07-610(7)(a) provides that any party to this proceeding has 21 days after the entry of this initial order to file a petition for administrative review (Petition). Section (7)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-610(7)(c) states that any party may file a response to a Petition within seven days after service of the petition.

A party held in default must file a written motion requesting the order be vacated pursuant to WAC 480-07-450(2) within 10 days after service in order to have the Commission consider a Petition for Administrative Review from that party.

WAC 480-07-830 provides that before the Commission enters 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. The Commission will not accept answers to a petition to reopen unless the Commission requests answers by written notice.

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.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5).