

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

JFS TRANSPORT, INC. D/B/A COAST  
MOVERS,

Respondent.

DOCKETS TV-180315 and  
TV-200861 (*Consolidated*)

JOINT NARRATIVE IN SUPPORT  
OF SETTLEMENT AGREEMENT

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

JFS Transport, Inc. d/b/a Coast Movers

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**I. INTRODUCTION**

*I* Pursuant to WAC 480-07-740(3)(a), the regulatory staff (Staff) of the Washington Utilities and Transportation Commission (Commission) and JFS Transport, Inc. d/b/a Coast Movers (JFS) (collectively the Settling Parties), submit this Joint Narrative in Support of Settlement Agreement (Narrative). The Narrative describes the disputed issues in this docket and the Settling Parties' proposed resolution thereof. That resolution is memorialized in the Settlement Agreement (Settlement) filed concurrently with the Narrative. This Narrative summarizes the Settlement; it does not replace or modify any of the Settlement's terms.

## II. PROPOSAL FOR REVIEW PROCEDURE

2 The Settling Parties contend that this is a “less complex matter” under WAC 480-07-  
740(2)(b). Accordingly, the Settling Parties do not believe that conducting a hearing will  
assist the Commission decide whether to approve and adopt the Settlement.<sup>1</sup>

3 If the Commission determines that it will conduct a hearing, the Settling Parties will  
each present one or more witnesses to testify in support of the Settlement and to answer  
questions concerning the Settlement’s details, costs, and benefits.<sup>2</sup> In addition, a  
representative for each party will be available to address any legal matters associated with  
the Settlement. If the Commission requires supporting documents beyond the Settlement,  
Narrative, and the other documents on file in this docket, the parties will provide any  
documentation needed.

## III. APPLICABLE LAW

4 The Commission regulates public service companies, including common carriers.<sup>3</sup>  
Household goods carriers are common carriers.<sup>4</sup>

5 No person may engage in business as a household goods carrier unless he or she first  
obtains a permit from the Commission authorizing him or her to do so.<sup>5</sup> The Commission  
may institute a special proceeding to determine whether a person has operated without the  
required Commission-issued authority.<sup>6</sup> If the Commission institutes such a special

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<sup>1</sup> See WAC 480-07-740(2)(e).

<sup>2</sup> See WAC 480-07-740(3)(b).

<sup>3</sup> RCW 80.01.010; RCW 81.01.,010; RCW 81.04.010(16).

<sup>4</sup> RCW 01.04.010(11), (16).

<sup>5</sup> RCW 81.80.075(1).

<sup>6</sup> RCW 81.04.510.

proceeding and determines that a person has, in fact, operated without authority, it may impose penalties<sup>7</sup> and must order the person to cease and desist from further violations.<sup>8</sup>

6           The Commission regulates, among other things, the rates, rules, and regulations, of common carriers.<sup>9</sup> To do so, it publishes the tariff setting out the rates and rules governing the transport of household goods in Washington, Tariff 15-C.<sup>10</sup> Household goods carriers must charge the tariff rate and comply with the rules and regulations contained in the tariff when providing such transport.<sup>11</sup> The tariff rate includes labor and the use of a vehicle and other equipment, and carriers may not charge expenses in addition to the hourly rate unless the move requires specialized materials or equipment.<sup>12</sup> The tariff specifies the minimum information that household goods carriers must provide in the bills of lading that they must provide to shippers.<sup>13</sup>

#### IV.     SCOPE OF THE UNDERLYING DISPUTE

7           In 2018, Staff complained against JFS for violations of the Commission’s household goods carrier rules and Tariff 15-C, alleging seven different causes of action.<sup>14</sup> One of these alleged that JFS had charged customers separately for expenses already included in the hourly rate in violation of applicable law; another alleged that JFS had failed to provide either complete or accurate bills of lading to customers.<sup>15</sup> Staff and JFS resolved the

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<sup>7</sup> RCW 81.80.075.

<sup>8</sup> RCW 81.04.510.

<sup>9</sup> RCW 81.80.130.

<sup>10</sup> RCW 81.80.150; WAC 480-15-490.

<sup>11</sup> RCW 81.80.220; WAC 480-15-490.

<sup>12</sup> Tariff 15-C, Item 205.

<sup>13</sup> WAC 480-15-710; Tariff 15-C, Item 95.

<sup>14</sup> See generally *Wash. Utils. & Transp. Comm’n v. JFS Transp., Inc. d/b/a Coast Movers*, Docket TV-180315, Order 01 (June 20, 2018) (Order 01).

<sup>15</sup> *Id.* at 2-3 ¶¶ 7-15, 4-5 ¶¶ 28-35.

complaint informally through settlement.<sup>16</sup> Under the parties' agreement, JFS admitted that it committed the alleged violations and accepted the imposition of a \$15,000 penalty, with \$10,000 of that penalty suspended and then waived after two years if JFS did not commit repeat violations.<sup>17</sup> The Commission approved the settlement without condition.<sup>18</sup>

8           In March 2020, the Commission entered an order cancelling JFS's household goods carrier permit because the company failed to file its annual report for 2019.<sup>19</sup>

9           In May 2020, Staff began its review of JFS's compliance with the terms of the settlement. During that review, it discovered repeat violations.<sup>20</sup> It also discovered that JFS was operating without a permit.<sup>21</sup>

10          Staff sought imposition of the penalty suspended in Docket TV-180315 based on the repeat violations discovered during the compliance review.<sup>22</sup> It also sought a classification order and penalties based on JFS's operating without a permit in Docket TV-200861.<sup>23</sup> The Commission consolidated the two dockets on Staff's motion.<sup>24</sup>

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<sup>16</sup> See generally *Wash. Utils. & Transp. Comm'n v. JFS Transp., Inc. d/b/a Coast Movers*, Docket TV-180315, Settlement Agreement (Sept. 12, 2018) (Settlement).

<sup>17</sup> Settlement at 3 ¶¶ 10-11.

<sup>18</sup> *Wash. Utils. & Transp. Comm'n v. JFS Transp., Inc. d/b/a Coast Movers*, Docket TV-180315, Order 02, 7-8 ¶¶ 37-38 (Sept. 24, 2018).

<sup>19</sup> *Wash. Utils. & Transp. Comm'n v. A-1 Piano Moving et al.*, Docket TV-191046, Order 01, 4 ¶ 7, 6 ¶¶ 19-20, 7 ¶¶ 22-23 (Mar. 2, 2020).

<sup>20</sup> *In re Determining the Proper Carrier Classification of, and Complaint for Penalties Against, JFS Transport, Inc. d/b/a Coast Movers*, Order 01, Docket TV-200861, 2 ¶ 7 (Dec. 1, 2020) (TV-200861 Complaint).

<sup>21</sup> *Id.* at 2 ¶ 8.

<sup>22</sup> See generally *Wash. Utils. & Transp. Comm'n v. JFS Transport, Inc. d/b/a Coast Movers*, Docket TV-180315, Staff's Motion to Impose Suspended Penalties; Motion to Consolidate Proceedings (Dec. 1, 2020).

<sup>23</sup> See generally TV-200861 Complaint at 6 ¶¶ 39-40.

<sup>24</sup> *Wash. Utils. & Transp. Comm'n v. JFS Transport, Inc. d/b/a Coast Movers*, Dockets TV-180315 & TV-200861, Order 03, 2 ¶ 4 (Jan. 22, 2021).

11 After Staff filed the motion to impose suspended penalties in Docket TV-180315 and  
the complaint in Docket TV-200861, JFS filed its annual report for 2019, paid its annual fee,  
and applied for reinstatement of its permit.<sup>25</sup>

12 The parties have since conferred and reached an informal resolution to the issues  
raised in these dockets.

## V. DESCRIPTION OF SETTLEMENT AGREEMENT

13 The settlement resolves all the issues in dispute in these dockets through the parties'  
agreement on the following terms:

- Penalty in Docket TV-180315 – The Parties agree that the Commission should lift the suspension on a \$5,000 portion of the penalty suspended in Docket TV-180315. The parties also agree that the Commission should extend the suspension of the remaining \$5,000 for two more years, and waive it thereafter if JFS does not commit repeat violations during the suspension period.
- Penalty in Docket TV-200861 – The Parties agree that the Commission should impose a total penalty of \$20,000 for the violations alleged in Staff's complaint in Docket TV-200861, with a \$19,000 portion of that penalty suspended for a period of two years. The suspended portion of the penalty would be waived after two years if JFS does not commit repeat violations during the suspension period.
- Payment Plan – The Parties agree that JFS should be allowed to pay the penalty on a payment plan, with the \$6,000 balance immediately due and owing from the Settlement paid over 30 months with monthly payments of \$200.

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<sup>25</sup> *Wash. Utils. & Transp. Comm'n v. JFS Transport, Inc. d/b/a Coast Movers*, Dockets TV-180315 & TV-200861, Motion to Vacate Default, 2 (Jan. 26, 2021).

## **VI. STATEMENT OF IMPACT ON THE PUBLIC INTEREST**

14 The Commission supports negotiated resolutions of enforcement actions where the settlement “is lawful and consistent with the public interest.”<sup>26</sup> The parties contend that their Settlement is lawful and consistent with the public interest for two reasons, and that the Commission should therefore approve it without condition under WAC 480-07-750(2)(a).

15 First, the Settlement allows the parties and the Commission to avoid the expense, inconvenience, uncertainty, and delay inherent in a litigated outcome. Staff and the Commission can allocate the costs otherwise incurred to other enforcement matters or other matters affecting the public interest.

16 Second, the Settlement requires JFS to pay an appropriate penalty. The total penalty imposed as a result of the Settlement would be \$30,000, which reflects the gravity of the violations alleged. The \$6,000 in penalties immediately due and owing is a significant sum in JFS’s current operating environment, which the COVID-19 pandemic has significantly, and negatively, affected. The remaining \$24,000 in penalties suspended by the Settlement provides a strong incentive for JFS to comply with the public service laws and the Commission’s rules. Further, Staff’s ultimate interest in any enforcement matter is compliance with the law, and the suspended portion of the penalty reflects consideration of JFS’s attempts to legalize its operations by filing its annual reports and applying for reinstatement of its permit.

## **VII. CONCLUSION**

17 The Settlement resolves all of the issues in this docket in a manner that complies with applicable legal requirements and also is consistent with the public interest. The

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<sup>26</sup> WAC 480-07-700.

parties respectfully request that the Commission issue an order approving the Settlement in its entirety without condition.

DATED this 6th day of April 2021.

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

/s/ Jonathon Sheridan

Jonathon Sheridan

Governing Person

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parties respectfully request that the Commission issue an order approving the Settlement in its entirety without condition.

DATED this 7th day of April 2021.

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

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