

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of PENALTY  
ASSESSMENT AGAINST ADVANCE  
RELOCATION EXPERT, LLC, D/B/A  
A.R.E., in the amount of \$2,100.00

DOCKET NO. UT-051608

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 over 6 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 November 8, 2005, Advance Relocation Expert, LLC (Advance Relocation), filed with the Commission an Application for Mitigation of Penalties (Mitigation Request) in Docket No. UT-051608. 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 October 31, 2005, in Docket No. UT-051608. In that Notice, the Commission issued penalties of \$2,100.00 for 21 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 Advance Relocation's business practices. My initial audit resulted in a Staff report titled, "Business Practices Audit Report of Advance Relocation Expert, LLC, d/b/a A.R.E, f/k/a Northwest Relocating Systems, LLC." 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 Advance Relocation Expert, LLC, d/b/a A.R.E.," in Docket No. UT-051608. A true and accurate copy of the post-audit review report is attached to this declaration as Attachment B.

6. A copy of Staff's initial audit report was sent to Advance Relocation in March 2005. A copy of Staff's Report in Docket UT-051608 was sent to Advance Relocation through its president, Austine Thompson, by mail with the penalty assessment on November 1, 2005.
7. The violations in this case arose from records provided by Advance Relocation which indicated that the company was out of compliance with a substantial number of Commission rules and tariff items.

### **Specific Issues Addressed by Advance Relocation in its Mitigation Request**

#### **Conducting Operations Under Name on Permit**

8. In its Mitigation Request, Advance Relocation, on the issue of the company's failure to conduct operations under the name shown on the company's household goods permit, requests that the penalty be waived and the company be given an opportunity to, "...contact the business licensing dept to order name change." (*sic*)
9. Advance Relocation was notified of the requirement to conduct operations under the name shown on the company's permit on March 24, 2005, in a letter from Staff. Attachment B at Appendix C. Advance Relocation responded on March 29, 2005, stating that the company would be in compliance with this issue by May 2005. Attachment B at Appendix D. Advance Relocation has had eight months in which to address the spelling of the company's name. The violations associated with this matter are appropriate.

#### **Remarks Section – Non-Binding Estimate Form**

10. In its Mitigation Request, Advance Relocation, on the issue of the remarks section on the non-binding estimate form, states that if the missing section can be highlighted, the company will make the correction.

11. In March 2005, Staff provided Advance Relocation with an audit report that identified specific areas of non-compliance with Commission rules, along with recommendations for coming into compliance in each area. The issue of the required remarks section for estimates was addressed in Staff's audit report. Attachment A at 9. In its response on March 29, 2005, Advance Relocation stated that the company had "...reviewed tariff 15a item85 and found the error and promises to reprint..." (*sic*) and gave an estimated completion date of May 2005. Attachment B at Appendix D. At the time of Staff's post-audit review, Advance Relocation had revised its binding and supplemental estimate forms to include the required section for remarks, but had not revised the non-binding estimate form. The violation is appropriate.

### **Consignee Name on Bill of Lading**

12. In its Mitigation Request, Advance Relocation, on the issue of the consignee name not being listed on the bill of lading, states that the reasons for the errors are that business has been slow and that he (Mr. Thompson) has not been able to focus on his business.
13. Staff clearly advised Advanced Relocation of the requirement of the consignee's name on the bill of lading in its audit report in March 2005. Attachment A at 12. Slow business and lack of focus are not mitigating factors and the violations are appropriate.

### **Tariff Rates & Charges**

14. In its Mitigation Request, Advance Relocation, on the issue of charging the rates and charges contained in the tariff, asks that the Commission elaborate because the company thinks it is charging as required by the tariff.
15. Staff's post-audit review report does elaborate on the nature of the rates and charges violations by Advance Relocation. Attachment B at 17-19. During the post-audit review, one of the bills of lading submitted by Advance Relocation listed a \$120.00 charge in the Packing and Packing Materials section of the bill labeled, "Truck." There is no provision in the tariff for such a charge. The same bill of lading listed a \$21.00 charge, also in the Packing and Packing Materials section, labeled, "Surcharge," but did not identify what the surcharge was for. Six additional bills of lading listed charges in the area marked, "Transportation Valuation Charges;" however, the customer selected basic value protection for valuation. Tariff 15-A, Item 90(5)(a)

provides that basic value protection is free, therefore the customer should not have been charged for valuation. True and accurate copies of these bills of lading are attached to this declaration as Attachment C.

### **Origin/Destination/Additional Addresses – Bills of Lading**

16. In its Mitigation Request, Advance Relocation, on the issue of origin and destination addresses states that the company, "...always list(s) the address of shipper from origin to destination if there was on that was omitted I apologies& promise to comply." (*sic*)
17. Advance Relocation has been informed of this requirement multiple times since 2002, as outlined in Staff's audit report of March 2005. Attachment A at 15 and 16. In its compliance plan, Advance Relocation stated that the company would, "...make sure...that (the requirement) is permanently enforced and of total compliance by latest June." (*sic*) Attachment B at Appendix B. Complete addresses for each part of a move are necessary in order for the carrier to charge appropriate rates and charges. For example, the distance from origin to destination can mean the difference between a move being rated under hourly rates (under 35 miles) or under mileage rates (over 35 miles). Advance Relocation cannot demonstrate that it charged customers appropriately without listing all of the required information on the bill of lading, including the required addresses.

DATED this 15<sup>th</sup> day of November 2005 at Olympia, Washington.

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BETTY YOUNG