

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

## NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS RULES AND REGULATIONS

PENALTY ASSESSMENT NO: TV-050537

PENALTY AMOUNT: \$ 69,600.00

### HOUSEHOLD GOODS CARRIER:

All My Sons Moving & Storage of Seattle, Inc.  
8637 South 212<sup>th</sup> Street  
Kent, Washington 98031

The Commission believes that you have committed 696 violations of Washington Utilities and Transportation Commission rules and household goods tariff, specifically, Washington Administrative Code (WAC) 480-15, and Commission Tariff 15-A. As a result, the Commission hereby notifies you that it has assessed a \$100.00 penalty against you for each of the 696 violations for total penalties of \$69,600.00.

The basis for this penalty assessment is as follows. Further information about the violations alleged is contained in the attached report prepared by the Staff of the Washington Utilities and Transportation Commission.<sup>1</sup>

1. Seven violations of WAC 480-15-650(a) for failure of All My Sons to show its correct business name, current address, and telephone number on seven estimated cost of services forms between April 23, 2004, and May 8, 2004. Total penalty of \$700.00.
2. Nine violations of WAC 480-15-650(c), for All My Sons' failure to include the name of the receiver of the household goods (consignee) on nine estimated cost of service forms between April 23, 2004, and May 8, 2004. Total penalty of \$900.00.
3. One violation of WAC 480-15-650(d) for failure of All My Sons to show the required destination address on one estimated cost of services form between April 23, 2004, and May 8, 2004. Total penalty of \$100.00.

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<sup>1</sup> In formal proceedings before the Commission, the Commission's Regulatory Staff (Commission Staff) appears as an independent party with the same privileges, rights, and responsibilities as any other party in the proceeding. Commission Staff operates independently from the three-member Commission, who decides the merits of each case. RCW 34.05.455; WAC 480-07-340.

4. Nine violations of WAC 480-15-650(e) for All My Sons' failure to show the total mileage, including intermediate stops, on nine estimated cost of services forms between April 23, 2004, and May 8, 2004. Total penalty of \$900.00.
5. Nine violations of WAC 480-15-650(l) for All My Sons' failure to include the correct "Important Notice" language on nine estimated cost of services forms between April 23, 2004, and May 8, 2004. Total penalty of \$900.00.
6. One violation of Tariff 15-A – Item 85, failure of All My Sons to include the company name, address, phone number, telefacsimile number (if any), and e-mail address (if any) of the company making the supplemental estimate on one supplemental estimate form dated March 25, 2002. Total penalty of \$100.00.
7. One violation of Tariff 15-A – Item 85, failure of All My Sons to clearly identify whether the supplemental estimate is binding or non-binding on one supplemental estimate form dated March 25, 2002. Total penalty of \$100.00.
8. One violation of Tariff 15-A – Item 85, failure of All My Sons to identify the customer's phone number, address, origin of shipment, destination of shipment and contact person on one supplemental estimate date March 25, 2002. Total penalty of \$100.00.
9. Seven violations of Tariff 15-A – Item 85, for failure of All My Sons to include (1) for hourly-rated shipments, the number of carrier personnel and carrier vans (or trucks) that will be used, and the number of hours each will be involved in the move; (2) for mileage-rated shipments, the mileage between origin and destination, the estimated weight of the shipment, and the total transportation cost; (3) overtime; (4) services to be provided (stairs, long carry, third party, etc.); (5) valuation charges; (6) storage (storage-in-transit, storage-in-vehicle, permanent storage, etc.); and, (7) packing, unpacking, and containers on one supplemental estimate form dated March 25, 2002. Total penalty of \$700.00.
10. One violation of Tariff 15-A, Item 85, failure of All My Sons to include a summary of charges on one supplemental estimate form dated March 25, 2002. Total penalty of \$100.00.
11. Seven violations of WAC 480-15-660, failure of All My Sons to issue supplemental estimates when circumstances surrounding the moves change in a way to cause the rate for service or the estimated charges to increase for seven moves conducted between April 23, 2004, and May 8, 2004. Total penalty of \$700.00.

12. Five violations of WAC 480-15-680 for failure of All My Sons to issue an accurate estimate to the shipper for five moves conducted between April 23, 2004, and May 8, 2004. Total penalty of \$500.00.
13. One violation of WAC 480-15-690 for All My Sons charging a customer more than twenty-five percent above the written nonbinding estimate for one hourly-rated move conducted between April 23, 2004, and May 8, 2004. Total penalty of \$100.00.
14. Three violations of WAC 480-15-740, for All My Sons' failure to require the customer initial the correct type of estimate he or she received on three bills of lading for moves conducted between April 23, 2004, and May 8, 2004. Total penalty of \$300.00
15. Six violations of WAC 480-15-740(3) for All My Sons' failure to show on the bill of lading the exact address at which the shipment, or any part of that shipment, was loaded or unloaded, on two bills of lading for moves conducted on October 21, 2003, January 14, 2004, and four bills of lading for moves conducted between April 23, 2004, and May 8, 2004. Total penalty of \$600.00.
16. Six violations of WAC 480-15-740(3) for All My Sons' failure to include the customer and consignee's telephone number on six bills of lading between December 29, 2003 , and June 29, 2004. Total penalty of \$600.00.
17. Three violations of Tariff 15-A, Item 95, for All My Sons' failure to ensure the customer initials his or her choice of storage options on three bills of lading between April 23, 2004, and May 8, 2004. Total penalty of \$300.00.
18. Three violations of WAC 480-15-740, for All My Sons' failure to require customers initial the bill of lading acknowledging they had been offered or had refused a copy of the Rights and Responsibilities Guide on three bills of lading for moves conducted between April 29, 2002, and December 30, 2003. Total penalty of \$300.00.
19. Forty-two violations of Tariff 15-A, Item 95, for All My Sons' failure to ensure that a customer indicates his or her payment choice by initialing the appropriate item on 42 bills of lading for moves conducted between April 23, 2004, and May 8, 2004. Total penalty of \$4,200.00.

20. Three violations of WAC 480-15-810 for failure of All My Sons to respond to three consumers' damage claims within the 10 days required by rule between January 8, 2003, and August 4, 2004. Total penalty of \$300.00.
21. Two violations of WAC 480-15-820 for All My Sons' failure to inform two claimants in writing of the final offer, denial or closure of claims, or the reason for failure to resolve the claims within each 60-day period the claims were not resolved. The two damage claims were listed in the company's claim register in December 2003 with no final resolution. Total penalty of \$200.00.
22. Sixteen violations of WAC 480-15-840 for All My Sons' failure to number its claims and complaints consecutively on 14 claim registers between September 2003, and October 2004, and two complaint registers from March and April 2004. Total penalty of \$1,600.00.
23. Thirty-seven violations of WAC 480-15-860, for All My Sons' failure to record all required information in the company's claims and complaints files for 35 claims and two complaints from January 2004, through October 2004. Total penalty of \$3,700.00
24. Four hundred and thirty-five violations of WAC 480-15-890, for All My Sons' failure to respond to Commission-Referred complaints within ten days from April 2003, through October 2004. Total penalty of \$43,500.00.
25. Thirty-six violations of the Tariff 15-A, Fuel Charge Supplement No. 2000-1, for All My Sons' failure to correctly calculate the fuel surcharge at no more than 2% of the fuel consuming rates and charges during 35 hourly-rated moves and one violation of Fuel Surcharge Supplement No. 2000-1, for All My Sons' failure to correctly calculate the fuel surcharge during one mileage-rated move between December 2003 and June 2004. Total penalty of \$3,600.00.
26. Twelve violations of WAC 480-15-740(7)(a), for All My Sons' failure to record the start time, stop time, and any interruptions for each person involved in or on a shipment rated under hourly rates, or in lieu of recording each person's start time, stop time, and interruptions on the bill of lading, a separate, but complete, record of each person's activities in sufficient detail to verify the proper rates and charges for nine moves between April 23, 2004, and May 8, 2004, and for three moves occurring in December 2003, April 2004, and June 2004. Total penalty of \$1,200.00.

27. Seven violations of WAC 480-15-740(7)(c) for All My Sons' failure to record the start time, stop time, and any interruptions of service for any hourly rated move on seven bills of lading between April 23, 2004, and May 8, 2004. Total penalty of \$700.00.
28. Three violations of Tariff 15-A, Item 220, for All My Sons' failure to provide three customers with a written estimate of the total overtime charges and obtain the customers' written consent before providing overtime services between October 2003, and April 2004. Total penalty of \$300.00.
29. Fourteen violations of WAC 480-15-740, for All My Sons' failure to accurately complete 14 bills of lading between April 23, 2004, and May 8, 2004. Total penalty of \$1,400.00.
30. Six violations of Tariff 15-A, Item 95, for All My Sons' failure to identify the type of charges listed on six bills of lading between April 23, 2004, and May 8, 2004. Total penalty of \$600.00.
31. One violation of WAC 480-15-750, for All My Sons' failure to maintain a copy of the weight tickets with the bill of lading for one shipment between April 23, 2004, and May 8, 2004. Total penalty of \$100.00.
32. One violation of Tariff Item 175, for All My Sons' failure to pass through commercial ferry costs to one customer between April 23, 2004, and May 8, 2004. Total penalty of \$100.00.
33. One violation of Tariff Item 200, Mileage Rates, for All My Sons' failure to properly calculate the mileage rate for one mileage-rated move between April 23, 2004, and May 8, 2004. Total penalty of \$100.00.

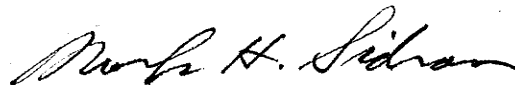
The penalties contained in this notice of penalties incurred are assessed pursuant to RCW 81.04.405. Under RCW 81.04.405, every public service company subject to Title 81 RCW who violates or who procures, aids or abets in the violation of any provision of Title 81 RCW or any order, rule, regulation or decision of the Commission is subject to a penalty of \$100 per violation. Each and every violation shall be a separate and distinct offense. Each day of a continuing violation is a separate and distinct offense. Every act of commission or omission which procures, aids or abets in the violation is considered to be a violation.

Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described above did not occur, you may request a hearing to contest the occurrence of the violations. If you have an explanation as to why the violations occurred, or have other facts you believe the Commission should consider,

you may make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, within FIFTEEN (15) days of your receipt of this penalty notice. You may, although you are not required to, present your request for mitigation at a hearing. The Commission will consider your plea and notify you of its determination.

If you request a hearing to contest either the occurrence of the violations or the amount of the penalty, please state why you believe a hearing is called for in your circumstances. Failure to request a hearing to contest the occurrence of the violations or the amount of the penalty, return the mitigation plea, or pay the amount due within 15 days will cause the Commission to refer this matter to the Office of the Attorney General for collection. Suit may then be brought against you and after trial, judgment may be entered against you.

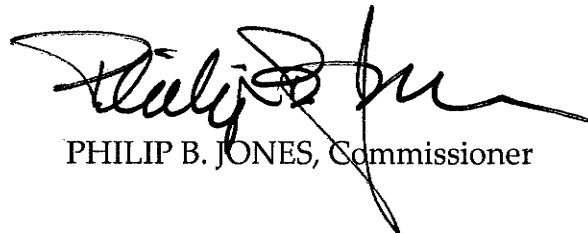
DATED at Olympia, Washington and effective this *12<sup>th</sup>* day of September, 2005.



MARK H. SIDRAN, Chairman



PATRICK J. OSHIE, Commissioner



PHILIP B. JONES, Commissioner

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**APPLICATION FOR MITIGATION OF PENALTIES**

**NOTE:** This form must be completed, signed, and received by the Commission within 15 days of your receipt of this form.

I have read and understand RCW 9A.72.020, which states that making false statements under oath is a class B felony (printed below). I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, application for mitigation of the penalties (as described in the attached Notice of Penalties), for the following reasons:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_ [month/day/year], at \_\_\_\_\_ [city, state]

\_\_\_\_\_  
Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”