

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

TLC Moving and Storage, Inc.,)	DOCKET TV-070331
)	
Complainant,)	
)	ORDER 01
v.)	
)	
TLC Transitions, LLC d/b/a Worry-free)	INITIAL ORDER GRANTING
Moving,)	REQUEST FOR WITHDRAWAL,
)	AND DISMISSING COMPLAINT
Respondent.)	
)	
.....)	

1 **Synopsis.** *This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Commission or allowed to become effective pursuant to the notice at the end of this Order. If this Initial Order becomes final, the Commission will grant the request of TLC Moving and Storage, Inc., to withdraw its complaint and dismiss the complaint against TLC Transitions, LLC, d/b/a Worry-free Moving.*

2 **Nature of proceeding.** This case involves a complaint by TLC Moving and Storage, Inc. (TLC), against TLC Transitions, LLC, d/b/a Worry-free Moving (TLC Transitions) for violation of WAC 480-15-390, a rule of the Washington Utilities and Transportation Commission (Commission) prohibiting carriers from operating under a name similar to that of another carrier.

3 **Procedural history.** On February 12, 2007, the owner of TLC Moving and Storage, Inc., and holder of Commission issued household goods permit No. HG-42102, filed a complaint against TLC Transitions, holder of Commission issued temporary permit No. HG-62626, for violations of WAC 480-15-390.

4 On March 7, 2007, TLC Transitions sent a letter to TLC and a copy to the Commission summarizing conversations between the two carriers and offering to change its name to avoid the use of the term “TLC.”

- 5 On March 22, 2007, the Commission issued a notice of hearing to the parties in this proceeding, after unsuccessful attempts to contact the complainant, TLC, about the status of the complaint.
- 6 On March 28, 2007, TLC Transitions sent a letter to TLC and the Commission stating the company's efforts to change its company name to Expert Services and its trade name to Total Transitions and to work with Commission Staff obtain a new permit with these new names. TLC Transitions requests the hearing be cancelled as unnecessary.
- 7 On April 11, 2007, TLC filed a letter with the Commission asking to cancel its request for a hearing, *i.e.*, its complaint, against TLC Transitions. TLC explains that it has reached an agreement with TLC Transitions to change the name of the company. TLC confirms the statements TLC Transitions makes about changing its corporate and trade names through the Department of Licensing and Office of the Secretary of State and obtaining new Commission permits under the new names.
- 8 **Discussion:** Under WAC 480-07-380(3), a party to a complaint may only withdraw from a proceeding after obtaining permission from the Commission. The Commission will grant a party's request to withdraw if withdrawal is in the public interest. In this matter, the complainant, TLC, and the respondent, TLC Transitions, have resolved their differences over the use of similar names. It is in the public interest to grant TLC permission to withdraw its complaint against TLC Transitions.
- 9 By requesting that the Commission cancel its request for a hearing, TLC appears to request that the Commission dismiss its complaint against TLC Transitions. TLC Transitions joins in that request. Both parties assert they have resolved their differences and that TLC Transitions has worked with the appropriate state agencies to change its corporate and trade names to avoid the use of the term "TLC." TLC Transitions has also worked with Commission Staff to obtain new permits with the new names. As there is no longer a dispute over which the Commission may grant relief, it is appropriate to dismiss TLC's complaint.
- 10 The Commission supports parties' informal efforts to resolve disputes without the need for contested hearings. The Commission commends the parties for working together to resolve this dispute quickly and amicably.

ORDER

THE COMMISSION ORDERS:

- 11 (1) TLC Moving and Storage, Inc's., request to withdraw its complaint against
TLC Transitions, d/b/a Worry-free Moving is granted.
- 12 (2) TLC Moving and Storage, Inc's., complaint against TLC Transitions, d/b/a
Worry-free Moving is dismissed.
- 13 (3) The Commission retains jurisdiction over this matter to effectuate the terms of
this Order.

DATED at Olympia, Washington, and effective April 17, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
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 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in

WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after the service of the Petition.

WAC 480-07-830 provides that before entry of 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. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3), as amended in the 2006 legislative session, 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. You will be notified if this order becomes final.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An original and **10** copies of any Petition or Answer must be filed by mail delivery to:

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