

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

WASHINGTON UTILITIES AND	)	DOCKET TV-072077
TRANSPORTATION COMMISSION,)	
)	
Complainant,	)	ORDER 02
)	
v.)	
	)	INITIAL ORDER DISMISSING
TODD BRENDEN D/B/A ACCESS	)	COMPLAINT AGAINST TODD
MOVING; BUMBLEBEE MOVING	)	BRENDEN D/B/A ACCESS
NORTH, INC.; CASCADE MOVING	)	MOVING, BUMBLEBEE MOVING
& STORAGE, INC.; and CHELAN	)	NORTH, INC., AND CASCADE
TRANSFER CO., INC.	)	MOVING & STORAGE, INC.;
	)	CANCELLING HOUSEHOLD
Respondents.	)	GOODS CARRIER PERMIT OF
	)	CHELAN TRANSFER CO., INC.
)	
.....)	

1 **Synopsis:** *This initial order proposes to dismiss the Complaint and Order to Show Cause against Todd Brenden D/B/A Access Moving, Bumblebee Moving North, Inc., and Cascade Moving & Storage, Inc., because all three have complied with Commission requirements to file annual reports and pay regulatory fees. This initial order proposes to cancel the household goods carrier permit of Chelan Transfer Co., Inc., as the company has failed, as of the time of the hearing, to file an annual report as required by RCW 81.04.080, and to comply with the reporting and regulatory fee requirements of WAC 480-15-480..*

2 **Nature of the Proceeding:** This is a proceeding in which the Washington Utilities and Transportation Commission (Commission) ordered four household goods carriers to appear and show cause why the Commission should not cancel their permits to transport household goods permits.

3 **Procedural History:** On October 29, 2007, the Commission entered a Complaint and Order to Show Cause Why Permit Should Not Be Canceled for Failure to Pay Regulatory Fees and/or Failure to File 2006 Annual Report; and Notice of Hearing against Todd Brenden D/B/A Access Moving (Access), Bumblebee Moving North,

Inc. (Bumblebee), Cascade Moving & Storage, Inc. (Cascade), and Chelan Transfer Co., Inc. (Chelan). Administrative Law Judge (ALJ) Ann E. Rendahl heard the matter, on due and proper notice, on November 27, 2007, in Olympia, Washington.

4 **Initial Order:** The presiding ALJ proposes to dismiss the complaint against three respondents given their compliance with requirements to file annual reports and pay regulatory fees, and to cancel Chelan's permit for failure to comply with the reporting and fee requirements of RCW 81.04.080 and WAC 480-15-480.

5 **Appearances:** The Commission Staff is represented by Michael A. Fassio, Assistant Attorney General, Olympia, Washington. No representatives for the companies appeared at the hearing.

DISCUSSION

6 **Background.** Public service companies, including household goods carriers, are required to file an annual report with the Commission. *RCW 81.04.080*. In addition, they are required to file with the Commission a statement showing gross operating revenue from intrastate operations for the preceding calendar year, and to pay a fee to the Commission based on gross operating revenue. *WAC 480-15-480*. The Commission sends annual report forms to the address on record with the Commission for each household goods carrier permit holder. *Id.* Each permit holder must submit an annual report and remit regulatory fees by May 1 of each year. *Id.*

7 The Commission sent annual report forms to each of the respondents of record in this proceeding. A search of Commission records indicated that respondents failed to comply with reporting and/or fee requirements of RCW 81.04.080 and WAC 480-15-480 by May 1, 2007.

8 On October 29, 2007, the Commission served a complaint and order to show cause on respondents requiring them to appear before the Commission on November 27, 2007, to answer the complaint, and to show cause why their household goods carrier permits should not be canceled for failure to file an annual report as required by RCW 81.04.080, and failure to comply with reporting and fee requirements of WAC 480-15-480.

9 **Hearing.** At the hearing on November 27, 2007, Commission Staff presented the testimony of Ms. Sheri Hoyt, Compliance Specialist with the Commission's Business Practices Investigation Section. Ms. Hoyt sponsored nine exhibits which were admitted in evidence.¹ Ms. Hoyt testified that respondents Access, Bumblebee and Cascade complied with RCW 81.04.080 and WAC 480-15-480 by filing their annual reports and/or remitting their regulatory fees, including late fees and interest, prior to the Show Cause hearing. *Exhibits 1-9.* Ms. Hoyt recommended that the Commission not cancel the permits of these companies because they are now in compliance with statutory and regulatory reporting and fee requirements. *Id.*

10 Ms. Hoyt recommended that the Commission cancel Chelan's permit as the company has not complied with RCW 81.04.080 and WAC 480-15-480 by filing their annual report or remitting their regulatory fees, prior to the hearing.

11 On November 28, 2007, Staff filed a supplemental page to Exhibit 9, a printout from the Commission's Revenue System Report for Cascade. The supplemental page is admitted into evidence.

12 **Discussion and Conclusion.** The testimony and exhibits presented by Ms. Hoyt establish that Access, Bumblebee and Cascade have complied with the reporting and fee requirements of RCW 81.04.080 and WAC 480-15-480. Accordingly, the proceedings against these respondents should be dismissed.

13 Staff has also demonstrated that Chelan remain in violation of statutory and rule requirements for filing annual reports and paying regulatory fees. Thus, Chelan's household goods moving permit should be cancelled, consistent with WAC 480-15-450 and WAC 480-15-480.

¹ During the hearing, the presiding officer noted that it appeared that a second page of Exhibit 9 was missing. Staff offered to file the missing page of the exhibit. Staff made this filing on November 28.

FINDINGS OF FACT

- 14 (1) The Washington Utilities and Transportation Commission is an agency of the state of Washington, vested by statute with authority to regulate public service companies, including companies that hold authority to transport household goods in the state of Washington for compensation.
- 15 (2) Each of the respondents in this proceeding are public service companies as defined in RCW 81.04.010 and hold authority to transport household goods in the state of Washington for compensation.
- 16 (3) The Commission sent annual report forms and instructions to the address on record with the Commission for each of the named respondents.
- 17 (4) On October 29, 2007, the Commission entered a Complaint and Order to Show Cause ordering each respondent to appear and show cause why its permit should not be canceled and set November 27, 2007, as the date for a Show Cause hearing.
- 18 (5) Evidence presented during the show cause hearing demonstrate that, to date, Access, Bumblebee and Cascade have complied with reporting and/or fee requirements of RCW 81.04.080 and WAC 480-15-480, and that Chelan remains in violation of those requirements.

CONCLUSIONS OF LAW

- 19 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of this proceeding and all parties to this proceeding.
- 20 (2) The Complaint and Order to Show Cause directed to Access, Bumblebee and Cascade should be dismissed.

- 21 (3) The household goods carrier permit held by Chelan should be cancelled for failure to file an annual report and pay regulatory fees with the Commission, consistent with WAC 480-15-450 and WAC 480-15-480.

ORDER

THE COMMISSION ORDERS:

- 22 (1) The Complaint and Order to Show Cause against Todd Brenden D/B/A Access Moving (Access), Bumblebee Moving North, Inc., and Cascade Moving & Storage, Inc., is dismissed.
- 23 (2) The household goods carrier permit held by Chelan Transfer Co., Inc., is cancelled.

DATED at Olympia, Washington, and effective November 29, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

NOTICE TO THE PARTIES:

This is an Initial Order. The action proposed in this Initial Order is not effective until entry of a final order by the Utilities and Transportation Commission. 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.

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 *Answer* to any Petition for review may be filed by any party within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a *Motion 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 Motion to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

One copy of any Motion or Answer filed must be served on each party of record, with proof of service as required by WAC 480-07-150(9). WAC 480-07-145(2) and (3) provide that an original and twelve copies of any Motion or Answer must be filed by mail delivery to:

Attn: Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia Washington 98504-7250.