

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

3Z MOVERS LLC, A-1 PIANO SALES
& RENTALS, INC., ABC MOVERS
SEATTLE, LLC, ALL ALASKA THRU
VAN, INC., ALL SEASONS MOVING
HAULING & MORE, INC., ALL STAR
TRANSFER, LARON WILLIAMS INC.,
AMERICAN MOVING CO., INC.,
ANDERSON, DAVID GM, ARAYS
MOVING SERVICE LLC, BM
LOGISTICS LLC, BUI, CUONG T.,
CBC TRUCKING L.L.C., CHEN,
ANDY, CLUTTER, INC.,
DELIGHTFULLY NORTHWEST, INC.,
EAST SIDE VAN & STORAGE CO.,
ED'S MOVING & STORAGE, INC.,
ESTABLISHED MOVING &
STORAGE OF SEATTLE, INC., FIRST
DUE, INC., FRIENDS & FAMILY
MOVING & STORAGE, INC., FULL
HOUSE MOVERS, INC., GIGANTIC
MOVING & STORAGE LLC,
HOMESTEAD MOVE AND ESTATE
SERVICES LLC, HUSHLAND LLC,
JFS TRANSPORT, INC., KING
MOVING & STORAGE, INC., MAJOR
MOVERS LLC, MCCLAINE, STEVEN
R., MCNEIGHT EXPRESS, INC.,
MOSELEY, JAMES, MOVING &
STORAGE SOLUTIONS, INC.,
NORTH COAST MOVING AND
STORAGE COMPANY, LLC, O M I,
INC., ORCAS ISLAND FREIGHT

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ORDER 01

INITIAL ORDER GRANTING
REQUEST TO DISMISS
COMPLAINT AGAINST 3Z
MOVERS LLC, A-1 PIANO SALES
& RENTALS, INC., ABC MOVERS
SEATTLE, LLC, ALL ALASKA
THRU VAN, INC., ALL SEASONS
MOVING HAULING & MORE,
INC., AMERICAN MOVING CO.,
INC., ANDERSON, DAVID GM,
ARAYS MOVING SERVICE LLC,
BM LOGISTICS LLC, BUI,
CUONG T., CHEN, ANDY,
CLUTTER, INC., EAST SIDE VAN
& STORAGE CO., ESTABLISHED
MOVING & STORAGE OF
SEATTLE, INC., FIRST DUE, INC.,
FRIENDS & FAMILY MOVING &
STORAGE, INC., FULL HOUSE
MOVERS, INC., HOMESTEAD
MOVE AND ESTATE SERVICES
LLC, HUSHLAND LLC, KING
MOVING & STORAGE, INC.,
MAJOR MOVERS LLC,
MCCLAINE, STEVEN R.,
MCNEIGHT EXPRESS, INC.,
MOSELEY, JAMES, MOVING &
STORAGE SOLUTIONS, INC.,
NORTH COAST MOVING AND
STORAGE COMPANY, LLC,
ORCAS ISLAND FREIGHT LINES
INC., PACIFIC MOVERS, INC.,
PAUL'S TRANSFER, INC.,

LINES INC., PACIFIC MOVERS, INC., PAUL'S TRANSFER, INC., PRESTIGE MOVING & STORAGE CO., PUGET SOUND DELIVERY GUYS, LLC, REDEFYNE MOVING LLC, SEATTLE MOVES & MORE LLC, SEATTLE SELECT MOVING LLC, SEATTLE SMALL MOVES LLC, SPECIALTY MOVING, INC., SPOKANE TRANSFER & STORAGE CO., STALLION DELIVERIES LLC, STAR MOVING & STORAGE, INC., STREAMLINE FURNITURE DELIVERY & MOVING SERVICES, LLC, TETRIS MOVING COMPANY LLC, THEIS, JAKE, TLC MOVING AND STORAGE, INC., TREFETHEN & CO., INC., TWO MEN AND A MOVING VAN LLC, VISIONARY MOVERS LLC, WE LIKE TO MOVE IT, MOVE IT!! LLC, and YAKIMA TRANSFER & STORAGE CO.,

PRESTIGE MOVING & STORAGE CO., PUGET SOUND DELIVERY GUYS, LLC, REDEFYNE MOVING LLC, SEATTLE MOVES & MORE LLC, SEATTLE SELECT MOVING LLC, SPECIALTY MOVING, INC., SPOKANE TRANSFER & STORAGE CO., STAR MOVING & STORAGE, INC., THEIS, JAKE, TLC MOVING AND STORAGE, INC., TREFETHEN & CO., INC., TWO MEN AND A MOVING VAN LLC, WE LIKE TO MOVE IT, MOVE IT!! LLC, and YAKIMA TRANSFER & STORAGE CO.; GRANTING REQUEST TO FIND REMAINING COMPANIES IN DEFAULT AND CANCEL PERMITS FOR FAILURE TO FILE ANNUAL REPORTS AND PAY REGULATORY FEES

Respondents.

BACKGROUND

- 1 On October 15, 2018, the Washington Utilities and Transportation Commission (Commission) entered a complaint against 3Z Movers LLC, A-1 Piano Sales & Rentals, Inc., ABC Movers Seattle, LLC, All Alaska Thru Van, Inc., All Seasons Moving Hauling & More, Inc., All Star Transfer, Laron Williams, Inc., American Moving Co., Inc., Anderson, David GM, Arays Moving Service LLC, BM Logistics LLC, Bui, Cuong T., CBC Trucking LLC, Chen, Andy, Clutter, Inc., Delightfully Northwest, Inc., East Side Van & Storage Co., Ed's Moving & Storage, Inc., Established Moving & Storage of Seattle, Inc., First Due., Inc., Friends & Family Moving & Storage, Inc., Full House Movers, Inc., Gigantic Moving & Storage LLC, Homestead Move and Estate Services, LLC, Hushland LLC, JFS Transport, Inc., King Moving & Storage, Inc., Major Movers, LLC, McClaine, Steven R., McNeight Express, Inc., Moseley, James,¹ Moving & Storage

¹ The registered name of this business is You Got It Movers, which does business as James Moseley; the complaint's nomenclature for this business, Moseley, James, is used herein.

Solutions, Inc., North Coast Moving and Storage Company, LLC, O M I, Inc., Orcas Island Freight Lines, Inc., Pacific Movers, Inc., Paul's Transfer, Inc., Prestige Moving & Storage Co., Puget Sound Delivery Guys, LLC, Redefyne Moving LLC, Seattle Moves & More LLC, Seattle Select Moving LLC, Seattle Small Moves LLC, Specialty Moving, Inc., Spokane Transfer & Storage Co., Stallion Deliveries LLC, Star Moving & Storage Inc., Streamline Furniture Delivery & Moving Services, LLC, Tetris Moving Company LLC, Theis, Jake, TLC Moving and Storage, Inc., Trefethen & Co., Inc., Two Men and A Moving Van LLC, Visionary Movers LLC, We Like to Move It, Move It!! LLC, and Yakima Transfer & Storage Co. (collectively, Respondents). The complaint alleges that each company failed to file a complete annual report for 2017 and also failed to pay applicable regulatory fees. In the complaint, the Commission set this matter for hearing and notified all Respondents that any party that failed to attend or participate in the hearing may be held in default.

- 2 The complaint was heard on November 26, 2018, in Olympia, Washington before Administrative Law Judge Nelli Doroshkin. Harry Fukano, Assistant Attorney General, Olympia, Washington represents Commission staff (Staff).² During the hearing, Staff presented the testimony of Benjamin Sharbono, Regulatory Analyst. Boubacar Zida of 3Z Movers LLC, Lars Kaldestad of Seattle Moves & More LLC, and David Anderson of David GM Anderson d/b/a Anderson Piano Service appeared at the hearing; Mr. Kaldestad and Mr. Anderson presented testimony.

DISCUSSION AND DECISION

- 3 **Applicable Law.** Every public service company operating in Washington is required to file an annual report that sets forth the company's operations during the preceding year.³ Every common carrier must also pay a regulatory fee of no more than one quarter of one percent of its gross income from intrastate operations for the previous calendar year on or before the date specified by the Commission.⁴ Commission rules require all permitted

² In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

³ RCW 81.04.080.

⁴ RCW 81.80.321.

household goods carriers to file annual reports and pay regulatory fees by May 1.⁵ The Commission may cancel a household goods carrier permit for good cause, which includes, but is not limited to, the failure to file an annual report or pay regulatory fees.⁶ Any party who fails to attend or participate in a hearing scheduled by the Commission may be held in default.⁷

- 4 **Motion to Dismiss.** At the hearing, Staff moved to dismiss the complaint against the following 33 companies because each of these companies filed its annual report and paid its applicable regulatory fee: 3Z Movers LLC, A-1 Piano Sales & Rentals, Inc., ABC Movers Seattle, LLC, All Alaska Thru Van, Inc., All Seasons Moving Hauling & More, Inc., American Moving Co., Inc., Anderson, David GM, Arays Moving Service LLC, Chen, Andy, East Side Van & Storage Co., Established Moving & Storage of Seattle, Inc., First Due., Inc., Friends & Family Moving & Storage, Inc., Full House Movers, Inc., Homestead Move and Estate Services, LLC, King Moving & Storage, Inc., Major Movers, LLC, McClaine, Steven R., Moving & Storage Solutions, Inc., North Coast Moving and Storage Company, LLC, Pacific Movers, Inc., Paul's Transfer, Inc., Prestige Moving & Storage Co., Puget Sound Delivery Guys, LLC, Redefyne Moving LLC, Seattle Moves & More LLC, Specialty Moving, Inc., Star Moving & Storage Inc., TLC Moving and Storage, Inc., Trefethen & Co., Inc., Two Men and A Moving Van LLC, We Like to Move It, Move It!! LLC, and Yakima Transfer & Storage Co.

Staff also moved to dismiss the complaint against seven companies who either voluntarily cancelled their household goods carrier permits or whose permit was cancelled for failure to provide proof of insurance prior to the hearing.⁸ Staff's motion to dismiss the complaint against a total of 40 companies was granted at the hearing.

⁵ WAC 480-15-480.

⁶ WAC 480-15-450.

⁷ RCW 34.05.440; WAC 480-07-450.

⁸ See Exh. No. BMS-4. BM Logistics LLC's household goods permit was cancelled on September 13, 2018, due to insufficient proof of insurance (Exh. BMS-4a); Bui, Cuong T. d/b/a Ben's Moving Services' household goods permit was cancelled voluntarily on October 23, 2018 (Exh. BMS-4b); Hushland LLC's household goods permit was cancelled voluntarily on October 23, 2018 (Exh. BMS-4c); Theis, Jake d/b/a Royal Moving's household goods permit was cancelled due to insufficient proof of insurance on November 2, 2018 (Exh. BMS-4d); McNeight Express, Inc.'s household goods permit was voluntarily cancelled on April 3, 2018 (Exh. BMS-4e); Orcas Island Freight Lines Inc.'s household goods permit was cancelled voluntarily on October 30, 2018 (Exh. BMS-4f); and Spokane Transfer and Storage Co. requested cancellation of the household goods portion of its permit by email on November 16, 2018.

5 **Default.** Staff moved that 15 companies be held in default for failing to appear at the hearing.⁹ Each company was sent notice of the hearing by certified and first class mail at its address of record, and by email at its email address of record, where available, and failed to appear or otherwise respond to the complaint by the date of the hearing.¹⁰ Therefore, the motion for default against each of the 15 companies was preliminarily granted.

6 The administrative law judge allowed two companies, Moseley, James, and Seattle Select Moves LLC, 48 hours following the hearing to pay their regulatory fees and be dismissed from the complaint; both companies had submitted their annual reports prior to the hearing. The administrative law judge instructed Staff to provide its final recommendation with respect to these companies by November 28, 2018.

7 On November 28, 2018, Staff filed a motion to dismiss the complaint against Moseley, James, Seattle Select Moves LLC, and Clutter, Inc. In support of the motion, Staff attached the annual reports and receipts of regulatory fees submitted by each of these three companies. While Clutter, Inc. was not expressly granted the opportunity to submit its annual report and regulatory fees within 48 hours of the November 26, 2018, hearing, we find that the similarity of its position to that of Mosely, James, and Seattle Select Moves LLC supports its dismissal from the complaint. Accordingly, Staff's post-hearing motion is granted.

8 The remaining 12 companies—All Star Transfer, Laron Williams, Inc., CBC Trucking LLC, Delightfully Northwest, Inc., Ed's Moving & Storage, Inc., Gigantic Moving &

⁹ Mosely, James, Seattle Select Moves LLC, Clutter, Inc., All Star Transfer, Laron Williams, Inc., CBC Trucking LLC, Delightfully Northwest, Inc., Ed's Moving & Storage, Inc., Gigantic Moving & Storage LLC, JFS Transport, Inc., O M I, Inc., Seattle Small Moves LLC, Stallion Deliveries LLC, Streamline Furniture Delivery & Moving Service, LLC, Tetris Moving Company LLC, and Visionary Movers LLC.

¹⁰ Although first class and certified copies of the complaint were returned as undelivered for five of these companies—Gigantic Moving & Storage LLC, JFS Transport, Inc., Seattle Small Moves LLC, Streamline Furniture Delivery & Moving Service, LLC, and Visionary Movers LLC—electronic copies of the complaint were also served on these five companies. Under WAC 480-07-150(4), the Commission may serve documents electronically except where proof of service is required by law. The Commission's Final Order adopting changes to WAC 480-07 accepted Staff's position that electronic service is acceptable for commencing adjudicative proceedings against regulated companies. *See* General Order 588 – Final Adoption Order – WSR 17-06-051, Docket A-130355 ¶16 and Appendix A (March 2, 2017). Accordingly, these five companies were properly served by electronic mail.

Storage LLC, JFS Transport, Inc., O M I, Inc., Seattle Small Moves LLC, Stallion Deliveries LLC, Streamline Furniture Delivery & Moving Service, LLC, Tetris Moving Company LLC, and Visionary Movers LLC—are held in default, and their household goods moving permits are canceled for failure to file an annual report and pay applicable regulatory fees.

FINDINGS AND CONCLUSIONS

- 9 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods carriers.
- 10 (2) The Respondents are each a “public service company,” “common carrier,” and “household goods carrier” as those terms are defined and used in RCW Title 81.
- 11 (3) On October 15, 2018, the Commission entered a complaint and notice of hearing. The complaint against each of the Respondents sought cancellation of each company’s permit for failure to submit a complete annual report and pay applicable regulatory fees. The notice of hearing scheduled a hearing to convene on November 26, 2018, in Olympia, Washington.
- 12 (4) Prior to the November 26, 2018, hearing, 3Z Movers LLC, A-1 Piano Sales & Rentals, Inc., ABC Movers Seattle, LLC, All Alaska Thru Van, Inc., All Seasons Moving Hauling & More, Inc., American Moving Co., Inc., Anderson, David GM, Arays Moving Service LLC, Chen, Andy, East Side Van & Storage Co., Established Moving & Storage of Seattle, Inc., First Due., Inc., Friends & Family Moving & Storage, Inc., Full House Movers, Inc., Homestead Move and Estate Services, LLC, King Moving & Storage, Inc., Major Movers, LLC, McClaine, Steven R., Moving & Storage Solutions, Inc., North Coast Moving and Storage Company, LLC, Pacific Movers, Inc., Paul’s Transfer, Inc., Prestige Moving & Storage Co., Puget Sound Delivery Guys, LLC, Redefyne Moving LLC, Seattle Moves & More LLC, Specialty Moving, Inc., Star Moving & Storage Inc., TLC Moving and Storage, Inc., Trefethen & Co., Inc., Two Men and A Moving Van LLC, We Like to Move It, Move It!! LLC, and Yakima Transfer & Storage Co. filed their annual reports and paid applicable regulatory fees. Accordingly, the complaint against these 33 companies should be dismissed.
- 13 (5) The household goods permits of BM Logistics LLC, Bui, Cuong T., Hushland LLC, Theis, Jake, McNeight Express, Inc., Orcas Island Freight Lines Inc., and

Spokane Transfer and Storage Co. were cancelled either voluntarily or due to insufficient proof of insurance prior to the November 26, 2018, hearing. Accordingly, the complaint against these seven companies should be dismissed.

- 14 (6) Within 48 hours of the November 26, 2018, hearing, Mosely, James, Seattle Select Moves LLC, and Clutter, Inc. each paid its regulatory fee; Clutter, Inc. also filed its annual report. Accordingly, the complaint against these three companies should be dismissed.
- 15 (7) The failure of All Star Transfer, Laron Williams, Inc., CBC Trucking LLC, Delightfully Northwest, Inc., Ed's Moving & Storage, Inc., Gigantic Moving & Storage LLC, JFS Transport, Inc., O M I, Inc., Seattle Small Moves LLC, Stallion Deliveries LLC, Streamline Furniture Delivery & Moving Service, LLC, Tetris Moving Company LLC, and Visionary Movers LLC to file their annual reports for 2017 and pay applicable regulatory fees constitutes good cause to cancel their respective household goods carrier permits to operate in Washington. Each of these companies was properly served and notified of the hearing.
- 16 (8) All Star Transfer, Laron Williams, Inc., CBC Trucking LLC, Delightfully Northwest, Inc., Ed's Moving & Storage, Inc., Gigantic Moving & Storage LLC, JFS Transport, Inc., O M I, Inc., Seattle Small Moves LLC, Stallion Deliveries LLC, Streamline Furniture Delivery & Moving Service, LLC, Tetris Moving Company LLC, and Visionary Movers LLC are in default for failure to appear at the November 26, 2018, hearing in this matter.

ORDER

THE COMMISSION ORDERS THAT:

- 17 (1) The complaint against 3Z Movers LLC, A-1 Piano Sales & Rentals, Inc., ABC Movers Seattle, LLC, All Alaska Thru Van, Inc., All Seasons Moving Hauling & More, Inc., American Moving Co., Inc., Anderson, David GM, Arays Moving Service LLC, BM Logistics LLC, Bui, Cuong T., Chen, Andy, Clutter, Inc., East Side Van & Storage Co., Established Moving & Storage of Seattle, Inc., First Due., Inc., Friends & Family Moving & Storage, Inc., Full House Movers, Inc., Homestead Move and Estate Services, LLC, Hushland LLC, King Moving & Storage, Inc., Major Movers, LLC, McClaine, Steven R., McNeight Express, Inc., Moseley, James, Moving & Storage Solutions, Inc., North Coast Moving and Storage Company, LLC, Orcas Island Freight Lines, Inc., Pacific Movers, Inc., Paul's Transfer, Inc., Prestige Moving & Storage Co., Puget Sound Delivery

Guys, LLC, Redefyne Moving LLC, Seattle Moves & More LLC, Seattle Select Moving LLC, Specialty Moving, Inc., Spokane Transfer & Storage Co., Star Moving & Storage Inc., Theis, Jake, TLC Moving and Storage, Inc., Trefethen & Co., Inc., Two Men and A Moving Van LLC, We Like to Move It, Move It!! LLC, and Yakima Transfer & Storage Co. is dismissed.

18 (2) All Star Transfer, Laron Williams, Inc., CBC Trucking LLC, Delightfully Northwest, Inc., Ed's Moving & Storage, Inc., Gigantic Moving & Storage LLC, JFS Transport, Inc., O M I, Inc., Seattle Small Moves LLC, Stallion Deliveries LLC, Streamline Furniture Delivery & Moving Service, LLC, Tetris Moving Company LLC, and Visionary Movers LLC are held in default.

19 (3) The household goods carrier permits held by All Star Transfer, Laron Williams, Inc., CBC Trucking LLC, Delightfully Northwest, Inc., Ed's Moving & Storage, Inc., Gigantic Moving & Storage LLC, JFS Transport, Inc., O M I, Inc., Seattle Small Moves LLC, Stallion Deliveries LLC, Streamline Furniture Delivery & Moving Service, LLC, Tetris Moving Company LLC, and Visionary Movers LLC are canceled for failure to file annual reports for 2017 and pay applicable regulatory fees.

DATED at Olympia, Washington, and effective December 5, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NELLI DOROSHKIN
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)(a) provides that any party to this proceeding has 20 days after the entry of this initial order to file a petition for administrative review (Petition). Section (2)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-825(2)(c) states that any party may file a response to a Petition within 10 days after service of the Petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence that is essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will give other parties in the proceeding an opportunity to respond to a motion to reopen the record, unless the Commission determines that it can rule on the motion without hearing from the other parties.

RCW 80.01.060(3) 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 does not exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5).