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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 WESTERN VAN LINES, INC.,)
d/b/a WESTERN VAN & STORAGE)
4)
Complainant,)
5)
vs.) DOCKET NO. TV-061577
6) Volume I
WESTERN MOVING & STORAGE,) Pages 1 - 6
7 INC.,)
8 Respondent.)

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10 A hearing conference in the above matter
11 was held on December 7, 2006, at 9:30 a.m., at 1300
12 South Evergreen Park Drive Southwest, Olympia,
13 Washington, before Administrative Law Judge THEODORA
14 MACE.

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16 The parties were present as follows:

17 WESTERN VAN LINES, INC., by ANDREW D. SHAFER
18 (via bridge), Attorney at Law, Davis, Grimm, Payne &
Marra, 701 Fifth Avenue, Suite 4040, Seattle,
Washington 98104; telephone, (206) 447-0182.

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24 Kathryn T. Wilson, CCR

25 Court Reporter

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1 P R O C E E D I N G S

2 JUDGE MACE: Let's be on the record in the
3 matter of Western Van Lines, Inc., d/b/a/ Western Van
4 and Storage, against Western Moving and Storage, Inc.
5 This is Docket TV-061577. We are convened today at the
6 offices of the Washington Utilities and Transportation
7 Commission in Olympia, Washington. Today's date is
8 December the 7th, 2006. My name is Theodora Mace. I'm
9 the administrative law judge who has been assigned to
10 this case.

11 Mr. Shafer, what I would like to have you do
12 is make an oral appearance now, and I need to have
13 complete information from you, your name, address,
14 telephone number, fax, and e-mail.

15 MR. SHAFER: Andy Shafer, attorney at law,
16 representing Western Van Lines. My office address is
17 Suite 4040, 701 Fifth Avenue, Seattle, Washington,
18 98104; telephone (206) 447-0182. My e-mail address is
19 ashafer@davisgrimmpayne.com.

20 JUDGE MACE: Do you have a fax number?

21 MR. SHAFER: Yes, we do, (206) 622-9927.

22 JUDGE MACE: My understanding is that
23 Mr. Irwin, who is the president of the respondent
24 company, Western Moving and Storage, will not be
25 telephoning in today, and I also want to indicate for

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1 the record that I received from the parties a fax
2 document entitled, Stipulation Settling Complaint for
3 Violation of WAC 480-15-390. I received that fax
4 transmission yesterday.

5 Mr. Shafer, I reviewed that document, and I
6 need to convey to you and also to Mr. Irwin that there
7 are some problems with it that I believe will preclude
8 the Commission from approving it, and I wanted to talk
9 that over with you today so that we have a clear idea
10 of what can be approved and what couldn't be approved.

11 MR. SHAFER: That's fine.

12 JUDGE MACE: I think the primary problem is
13 with Paragraph 6 of the Stipulation, and for the
14 record, that talks about if the Respondent fails to
15 take the actions required by Paragraphs 1 through 3 and
16 5 above, and those actions primarily have to do with
17 the Respondent changing its name to eliminate the word
18 "Western" in any part of its name, by the deadline
19 stated, the Commission shall, and I'm paraphrasing,
20 enter a cease and desist order prohibiting the
21 Respondent from operating under its permit.

22 From past experience with the Commission and
23 handling settlement agreements, I know that that is not
24 a clause that the Commission would approve. What the
25 Commission would approve, and I can't speak for the

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1 Commission, but generally speaking, what the Commission
2 would likely approve would be your earlier paragraphs
3 where you agree with the Respondent that Respondent
4 will change its name by December 31st. After that
5 point, if the name change has not been carried out, you
6 would have the option to come back to the Commission
7 for enforcement. The Commission would not approve,
8 including the enforcement provision in this
9 stipulation, as it reads rights now.

10 So I guess what I'm trying to convey to you
11 is while on the one hand, I could accept your
12 stipulation; on the other hand, I know for a fact that
13 it wouldn't be approved as written.

14 MR. SHAFER: Then what I would ask you is
15 that the Commission continue the hearing until after
16 December 31st, and if Mr. Irwin complies with the
17 Stipulation, then the case can be dismissed. If he
18 doesn't comply with the Stipulation, then we will file
19 a motion for a hearing to show cause.

20 JUDGE MACE: Then what I will do is send out
21 a notice indicating that this hearing is continued, and
22 I'll set a specific date in January. Do you have a
23 specific date in mind?

24 MR. SHAFER: I can tell you when I can't do
25 it. How is that?

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1 JUDGE MACE: That's fine. Hopefully, it will
2 coincide with the times when I can do it.

3 MR. SHAFER: My January calendar is actually
4 in pretty good shape at this point. I'm unavailable on
5 the 18th and 23rd. I have other things that are going
6 to happen during that month, but if we get this set
7 first, I'll just schedule around it.

8 JUDGE MACE: I should be able to find dates,
9 and probably they will be dates early in January.

10 MR. SHAFER: Actually, that would be my
11 preference. I would prefer to keep the last week in
12 January open because there is a possibility I will be
13 out of town from the 25th through the end of the month.

14 JUDGE MACE: It will actually be before the
15 13th of January because then I become unavailable. So
16 I will send out a notice setting a hearing date for a
17 date early in January at which time we will explore
18 whether or not the Respondent has complied with the
19 Stipulation you have entered into, and I need to have
20 you file the Stipulation as you would any other
21 document with the Commission. Simply faxing it to me
22 is not sufficient.

23 MR. SHAFER: Actually, I'm waiting for the
24 original to arrive.

25 JUDGE MACE: If you do that, I will send out

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1 that notice and we will go forward on that basis.

2 MR. SHAFER: Very good.

3 JUDGE MACE: I think that's all we need to
4 address right now, and thank you very much.

5 MR. SHAFER: Thank you.

6 (Hearing adjourned at 9:42 a.m.)

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