

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the
Proper Carrier Classification of, and
Complaint for Penalties Against:

SUPER FRIENDS MOVING L.L.C.,
d/b/a SUPER FRIENDS MOVING,

DOCKET TV-190835

ORDER 02

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING
**(Evidentiary Hearing Set for
Wednesday, May 13, 2020,
at 9:30 a.m.)**

- 1 **NATURE OF PROCEEDING.** On February 19, 2020, the Washington Utilities and Transportation Commission (Commission) issued Order 01, Complaint and Order Instituting Special Proceeding (Complaint) against Super Friends Moving L.L.C., d/b/a Super Friends Moving (Super Friends or Company). The Complaint alleges that Super Friends violated RCW 81.80.075(1) and the cease and desist order entered against the Company by the Commission in Docket TV-170206 on at least two occasions by offering to transport household goods for compensation over the public highways of Washington State without first obtaining a permit authorizing it to engage in business as a household goods carrier. The Complaint seeks a penalty of up to \$10,000 for each alleged violation.
- 2 **CONFERENCE.** The Commission convened a prehearing conference in this docket in Lacey, Washington, on March 16, 2020, at 9:30 a.m., before Administrative Law Judge Michael Howard. Commission staff (Staff) and the Public Counsel Unit of the Attorney General's Office (Public Counsel) were the only parties to appear at the hearing. Super Friends did not appear.
- 3 **APPEARANCES.** Jeff Roberson, Assistant Attorney General, Olympia, Washington, represents Staff.¹ Lisa Gafken, Nina Suetake, and Ann Paisner, Assistant Attorneys

¹ 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

General, Seattle, Washington, represent Public Counsel. Super Friends did not appear at the prehearing conference. Contact information for the parties' representatives is attached as Appendix A to this Order.

4 **PETITIONS FOR INTERVENTION.** No party sought to intervene in the proceeding.

5 **DISCOVERY.** The parties did not request formal discovery.

6 **PROCEDURAL SCHEDULE.** Staff and Public Counsel agreed upon, and the Commission adopts, the preliminary procedural schedule set forth in Appendix B to this Order. Because Super Friends failed to appear for the prehearing conference, the Company has waived any objections to this prehearing schedule unless it shows good cause for its failure to appear.²

7 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other prefiled materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files. Documents that include information designated as confidential must comply with the requirements in WAC 480-07-160. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).

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.

² "A party's failure to attend a prehearing conference constitutes the party's waiver of all objections to any order or ruling arising out of the conference or any agreement reached at conference, unless the party shows good cause for its failure to attend." WAC 480-07-430(2).

(b) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (michael.howard@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

8 **EXHIBIT LISTS.** Each party must file a list of all exhibits the party intends to introduce into the evidentiary record, as well as cross-examination exhibits. The parties must file and serve their exhibit lists by **12 p.m. on May 6, 2020.**

9 **EXHIBITS FOR DIRECT AND CROSS-EXAMINATION.** Parties are required to file and serve all proposed cross-examination exhibits by **12 p.m. on May 6, 2020.** The Commission requires electronic copies in searchable Adobe Acrobat (pdf). The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits. The paper copies of the exhibits also must be organized into sets that are tabbed and labeled.

10 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge and the other parties by **12 p.m. on May 6, 2020.**

11 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold an evidentiary hearing in this docket on **May 13, 2020, at 9:30 a.m.,** in the Commission's Richard Hemstad Hearing Room, located at 621 Woodland Square Loop S.E., Lacey, Washington.

12 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).

13 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection,**

this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective March 17, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael Howard
MICHAEL HOWARD
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET TV-190835**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Respondent	Super Friends Moving L.L.C. 6920 Roosevelt Way NE Seattle, WA 98115	206-302-8833	jake@superfriendsmoving.com
Staff	Jeff Roberson Assistant Attorney General Office of the Attorney General Utilities and Transportation Division PO Box 47250 Olympia, WA 98504	360-664-1188	Jeff.Roberson@utc.wa.gov
Public Counsel	Lisa Gafken Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	206-464-6595	Lisa.Gafken@atg.wa.gov
	Nina Suetake		NinaS@atg.wa.gov
	Ann Paisner		Ann.Paisner@atg.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TV-190835**

EVENT	DATE
Settlement Conference	April 20, 2020
Direct Exhibits, Cross-Examination Exhibits, Witness Lists, and Cross-Examination Time Estimates	May 6, 2020 (by 12 p.m.)
Evidentiary Hearing	May 13, 2020, at 9:30 a.m.