

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

In re Application of)	DOCKET TV-081079
)	
AMS MOVING & STORAGE OF)	NOTICE OF INTENT TO CANCEL
PORTLAND, INC.,)	TEMPORARY AUTHORITY AND
)	REJECT APPLICATION FOR
for permanent authority to operate as a)	PERMANENT AUTHORITY;
motor carrier of household goods.)	OPPORTUNITY FOR HEARING
)	
.....)	

I. INTRODUCTION

1 **Nature of Proceeding.** The Washington Utilities and Transportation Commission (Commission) hereby provides notice of its intention to cancel temporary permit No. THG-63303 granted to AMS Moving & Storage of Portland, Inc. (AMS of Portland or Company), and reject the Company’s application for permanent authority due to the Company’s documented history of consumer complaints in Oregon and its close association with All My Sons Moving and Storage of Seattle, Inc. (All My Sons of Seattle), a carrier with a documented history of noncompliance with Commission rules and statutes related to the moving of household goods in Washington, and whose permit has been canceled by the Commission for good cause.

2 **Procedural Background.** AMS of Portland applied for a household goods permit on June 19, 2008. The Commission granted temporary permit THG-63303 to the Company on July 11, 2008, for a period of at least six months while evaluating whether the applicant had met the criteria for obtaining permanent authority.

II. APPLICABLE LAW

3 RCW 81.80.070(1)(a)(ii) requires the Commission to consider whether an applicant for a household goods carrier permit is fit to perform the services proposed.

4 The Commission may cancel a temporary permit at any time if a carrier has failed or refused to comply with applicable Commission rules or if other circumstances exist

that cause the Commission to believe that canceling the permit is in the public interest.¹

5 The Commission may reject or deny an application for permanent authority if the Commission believes the applicant is unfit, has paid or incurred penalties or received citations for violation of state law or Commission rules, been subject to other enforcement actions for violations of Commission rules, or the Commission believes that issuing the permit is not in the public interest.²

6 If it is necessary to resolve outstanding issues or concerns related to fitness or the public interest, or any other issue resulting from a complaint or public comment, the Commission may hold a hearing or brief adjudicative proceeding on any application for permanent authority.

III. FACTUAL ALLEGATIONS

7 The Commission takes official notice of the following facts, subject to the permit holder's opportunity for rebuttal:

8 AMS of Portland holds temporary authority to provide household goods moving services under permit No. THG-63303. The Company is majority-owned by Ms. Vauna Peterson, with a minority share owned by Chris Bournias.

9 Ms. Peterson's husband Robert Peterson is listed in Commission records as majority owner and vice president of All My Sons of Seattle, a regulated household goods company. The Commission has reason to believe that he has joint ownership of All My Sons of Seattle with Ms. Vauna Peterson as husband and wife, and that Mr. Bournias also owns a minority share.

10 AMS of Portland has a documented history dating from 2003 of several customer complaints filed with the Oregon Department of Justice. The complaints primarily concerned poor customer service, damaged items and dissatisfaction with claims handling, or disputes about charges. The State of Oregon referred the complaints to

¹ WAC 480-15-320.

² WAC 480-15-330.

the Company and reviewed the complaints and responses, but has limited authority in consumer protection and has not taken any enforcement action against AMS of Portland arising out of the complaints.

- 11 All My Sons of Seattle recently has been the subject of two enforcement actions for numerous violations of household goods rules and statutes. In 2005, the Commission assessed a \$69,600 penalty against All My Sons of Seattle for such violations.³ In 2007, after a follow-up investigation, the Commission issued a complaint seeking permanent revocation of the company's permit for cause, based on repeated violations of numerous Commission rules including rules related to the handling of customer complaints and claims.⁴ The Commission held an evidentiary hearing on August 20, 2008. On October 22, 2008, the Commission entered an Initial Order finding All My Sons of Seattle in default for failing to attend the hearing, cancelling the company's permit for good cause, and requiring the company to cease and desist from permitted operations.⁵ The Commission affirmed the Initial Order, making it final on November 13, 2008.⁶
- 12 All My Sons of Seattle's history of repeated failure to comply with applicable Washington state laws and rules relating to household goods, which has led to the cancellation of its permit for good cause, the documented history of Oregon consumer complaints against AMS of Portland, and the close association of AMS of Portland and All My Sons of Seattle cause the Commission to believe that cancelling the Company's temporary permit, and denying its application for permanent authority, are in the public interest.

³ See *In re Penalty Assessment against All My Sons Moving and Storage of Seattle, Inc.*, Docket TV-050537. In a settlement later approved, the company admitted to violations and paid a \$40,590 penalty.

⁴ See *WUTC v. All My Sons Moving and Storage of Seattle, Inc.*, Docket TV-071125.

⁵ See Attachment A, *Order 04, Initial Order Cancelling Carrier Permit; Default Order*, Docket TV-071125. Also, as described in the Initial Order, at ¶ 8 and footnote 6, Vauna Peterson pre-filed witness testimony on behalf of All My Sons of Seattle. However, because of the failure of All My Sons of Seattle and its witnesses to appear at hearing to sponsor the testimony, the Commission's procedural rules contained no provision for the administrative law judge to allow her testimony to become a part of the official record in that case.

⁶ See Attachment B, *Order 05, Commission Decision and Final Order Affirming Initial Order; Granting Staff Request to Ender a Final Order; Canceling Carrier Permit*, Docket TV-071125.

- 13 **NOTICE OF OPPORTUNITY FOR HEARING.** AMS Moving and Storage of Portland, Inc., may request a hearing to contest the factual allegations set out in this Notice. If AMS of Portland wishes to request a hearing to contest the cancellation of its temporary permit or dismissal of its application for permanent authority, it must make a written request for a hearing with the Commission by **Monday, December 22, 2008**. An original and five (5) paper copies of the request must be directed to the attention of David W. Danner, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TV-081079.
- 14 If AMS of Portland requests a hearing, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If AMS of Portland requests a hearing but cannot materially rebut the allegations set out above, the Commission will enter an order cancelling the Company's temporary permit and rejecting the application for permanent authority. If AMS of Portland does not request a hearing by the hearing request deadline set out in the paragraph above, the Commission will enter an order cancelling the Company's temporary authority and rejecting the application for permanent authority.

DATED at Olympia, Washington, and effective November 25, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary