



Bob Ferguson  
**ATTORNEY GENERAL OF WASHINGTON**

Utilities and Transportation Division  
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January 17, 2017

Steven V. King, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P. O. Box 47250  
Olympia, Washington 98504-7250

RE: *In the Matter of Determining the Proper Carrier Classification of, and Complaint  
for Penalties against: Cheryl Ball d/b/a Acme Moving Labor*  
Docket TV-161206

Dear Mr. King:

Enclosed for filing in the above-referenced docket is an original and one copy of a Response to Respondent's (Updated) Notice of Appearance of Counsel, Request for Hearing, and Request to Continue Appearance before ALJ Scheduled for January 25, 2017, on behalf of Commission Staff, and Certificate of Service.

Sincerely,



ANDREW J. O'CONNELL  
Assistant Attorney General

AJO/emd  
Enclosures  
cc: Acme Moving Labor w/enc.



**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

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

CHERYL BALL d/b/a ACME MOVING  
LABOR

DOCKET TV-161206

COMMISSION STAFF'S RESPONSE TO  
RESPONDENT'S (UPDATED) NOTICE  
OF APPEARANCE OF COUNSEL,  
REQUEST FOR HEARING, AND  
REQUEST TO CONTINUE  
APPEARANCE BEFORE ALJ  
SCHEDULED FOR JANUARY 25, 2017

**I. BACKGROUND**

1           On December 19, 2016, the Washington Utilities and Transportation Commission (“Commission”) issued Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; Notice of Hearing, along with a Subpoena Duces Tecum, to Cheryl Ball d/b/a Acme Moving Labor (“Acme Moving” or the “Company”). The Company was to attend a hearing on January 25, 2017, at the Commission. This hearing is commonly referred to as “Movers’ Court” because multiple moving companies are required to appear.

2           At Movers’ Court, each Company has the option to request a hearing before an administrative law judge to contest the allegations enumerated in the complaint. Upon such a request, the Commission typically sets a hearing date and time for the Company at which it has an opportunity to prove that its operations or acts are not subject to regulation by the Commission. That hearing, like the one originally set by the Commission in this case, remains a special proceeding. RCW 81.04.510.

3           At nearly 10:30 p.m., on January 11, 2017, Commission Staff (“Staff”) received a  
Notice of Appearance, Request for Hearing, Request to Continue Appearance from the  
Company’s counsel.<sup>1</sup> In its document, the Company requests a hearing before an  
administrative law judge. The Company also requests a telephonic prehearing conference. In  
communications coincident with the document, the Company also made reference to a desire  
for telephonic proceedings.

## II. STAFF’S RESPONSE

4           It is the role of the Commission to determine whether any person or corporation is  
conducting business requiring operating authority from the Commission. RCW 81.04.510.  
To make this determination, the Commission may institute a special proceeding requiring  
the person or corporation to appear before the Commission to prove why its operations or  
acts are not subject to regulation by the Commission. RCW 81.04.510.

5           Staff does not oppose the Company’s request for hearing. Staff believes the  
Company’s request is the same request that can be made by any other company at Movers’  
Court, the Company has simply proactively taken the step to request the hearing. Staff  
believes that it would be appropriate, therefore, for the Commission to set a date and time  
for this special proceeding.

6           Staff does not believe a prehearing conference is necessary, but will make itself  
available if the Commission decides to hold one.

7           While not indicated in the Company’s document, Staff wants to avoid any confusion  
by stating its opposition to telephonic appearances by the Company during the special

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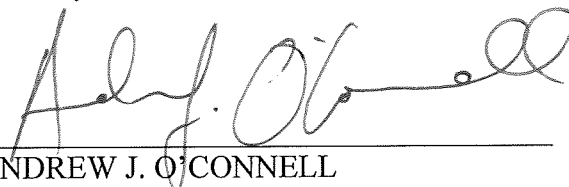
<sup>1</sup> Documents received after 5:00 p.m. are not considered received until the next business day. *See*  
WAC 480-07-145(2)(a).

proceeding. Staff believes that it is necessary for the Company and its owner, Cheryl Ball, to appear at the Commission in person due to the circumstances in this case.

DATED January 17<sup>th</sup>, 2017.

Respectfully submitted,

ROBERT W. FERGUSON  
Attorney General

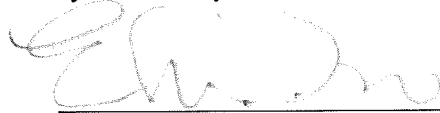
A handwritten signature in black ink, appearing to read "Andy O'Connell", written over a horizontal line.

ANDREW J. O'CONNELL  
Assistant Attorney General  
Counsel for Washington Utilities and  
Transportation Commission Staff

Docket TV-161206  
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the enclosed Response upon the persons and entities listed on the Service List below by United States mail, addressed as shown below.

DATED at Olympia, Washington this 17th day of January 2017.



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ELIZABETH M. DEMARCO

***For Acme Moving Labor:***

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