

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND)	DOCKET NO. TV-050537
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	
)	NARRATIVE SUPPORTING
v.)	SETTLEMENT AGREEMENT
)	
ALL MY SONS MOVING & STORAGE)	
OF SEATTLE, INC.,)	
)	
Respondent.)	
_____)	

I. INTRODUCTION

1 This Narrative Supporting Settlement Agreement (Narrative) is filed pursuant to WAC 480-07-740(2)(a) on behalf of both All My Sons Moving & Storage of Seattle, Inc., (All My Sons) and the Staff of the Utilities and Transportation Commission (Staff). Both parties have signed the Settlement Agreement (Agreement), which is attached to this Narrative. This Narrative summarizes the Agreement. It is not intended to modify any terms of the Agreement.

II. PROPOSALS FOR REVIEW PROCEDURE

2 The parties submit that this matter is considerably less complex than a general rate proceeding and request that review proceed on a timetable for less complex matters, as provided in WAC 480-07-740(1)(b). To the knowledge of either party, there are no

opponents of the settlement. Because of the less complex nature of the matter and the uncontested status of the settlement, the parties suggest that a formal settlement hearing along with the opportunity for public comment are unnecessary in this case.

3 The parties do not intend to file documentation supporting the Agreement, with the exception of the Agreement itself and this Narrative. If the Commission requires supporting documents beyond the Agreement, Narrative, and the other documents on file in this docket, the parties will provide documentation as needed.

4 In keeping with WAC 480-07-740(2)(b), the parties are prepared to present one or more witnesses each to testify in support of the proposal and answer questions concerning the settlement agreement's details, and its costs and benefits, should such testimony be required. In addition, both counsel are available to respond to any questions regarding the proposed settlement that the Commission may have.

 The parties request a streamlined review of the proposed settlement. To that end, the parties waive entry of an initial order, so that the record can be submitted directly to the Commissioners. Finally, the parties would prefer an informal, in camera review, on a paper record. In accordance with WAC 480-07-730, the parties propose the foregoing procedural alternatives for review of the proposed settlement agreement.

III. SCOPE OF THE UNDERLYING DISPUTE

5 The underlying dispute concerns penalties assessed by the Commission against All My Sons. In the spring of 2005, Staff conducted a compliance audit of the business practices of All My Sons. Staff found violations of laws and rules enforced by the Commission and compiled its findings along with technical assistance and recommendations

in an audit report dated April 2005. Based on the recommendations in the report, the Commission assessed penalties against All My Sons on September 15, 2005, for the types of violations that had been addressed with previous technical assistance during field visits and customer complaint investigations by Commission Staff.

6 In response to the penalty assessment, All My Sons filed a request for hearing and, in the alternative, mitigation of the penalty amount. All My Sons's response claimed that certain of the alleged violations were technical and that prior technical assistance relating to those violations had not been provided; disputed the legal basis for some of the alleged violations; disputed the factual basis of some of the alleged violations; asked that penalties be mitigated for alleged violations that the company claimed caused no harm to customers; denied receiving notices from the Commission, and claimed that with respect to some of the alleged violations Staff's prior technical assistance had been confusing.

7 The parties entered into settlement discussions covering all of the issues in dispute and negotiated an agreement.

IV. DESCRIPTION OF PROPOSED SETTLEMENT

8 The settlement resolves all of the issues in dispute. The settlement reduces the penalty amount from \$69,600 to \$40,950, and All My Sons admits to violations in the following categories:

- failure to use forms that complied with Commission regulations (16 violations);
- failure to complete estimate forms and bills of lading according to applicable laws and regulations (101 violations);
- failure to issue supplemental estimates when circumstances changed in a way to cause the estimated charges to increase (4 violations);

- charging one customer more than the allowed 125% of the written estimate (1 violation);
- failure to timely respond to, timely resolve, and keep a proper record of customer claims and complaints as required by Commission regulations (254 violations);
- failure to calculate the fuel surcharge according to the fuel charge supplement of the household goods tariff (36 violations);
- failure to provide customers with a written estimate of the total overtime charges and obtain the customers' written consent for overtime services (3 violations);
- failure to maintain a copy of the weight tickets as required (1 violation);
- failure to pass through commercial ferry costs to a customer (1 violation); and
- failure to properly calculate the mileage rate for a mileage-rated move (1 violation).

The settlement provides that the remaining violations alleged in the penalty assessment along with the associated penalties are withdrawn.

V. STATEMENT OF PARTIES' INTERESTS AND THE PUBLIC INTEREST

9 As stated in the Settlement Agreement, the settlement represents a compromise of the positions of the two parties. The parties find it is in their best interests to avoid the expense, inconvenience, uncertainty, and delay necessitated by ongoing adversarial proceedings. Likewise, it is in the public interest that this dispute conclude without the further expenditure of public resources on protracted litigation.

VI. LEGAL POINTS THAT BEAR ON PROPOSED SETTLEMENT

10 In WAC 480-07-700, the Commission expresses its support for parties' informal efforts to resolve disputes without the need for contested hearings when doing so is lawful and consistent with the public interest. The parties have resolved all of the issues in dispute

between them, and their resolution complies with Commission rules and, as explained above, is consistent with the public interest.

VII. CONCLUSION

11 Because the parties have negotiated a compromise on all of the issues in this dispute and because the settlement is in the public interest, both parties request that the Commission approve the attached Settlement Agreement.

Respectfully submitted this ____ day of June, 2006.

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