

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Penalty Assessment  
Against ACTION MOVING SERVICES,  
INC., in the Amount of \$2,300

DOCKET TV-111065

NARRATIVE IN SUPPORT OF  
SETTLEMENT AGREEMENT

**I. INTRODUCTION**

1 This Narrative Supporting Settlement Agreement (Narrative) is filed pursuant to WAC 480-07-740(2)(a) on behalf of Action Moving Services, Inc. (Action Moving) and Staff of the Utilities and Transportation Commission (Commission Staff) (collectively, “the Parties”). 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. PROPOSAL 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 reasonably 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 Staff and Company counsel are available to respond to any  
questions that the Commission may have regarding the proposed settlement.

5 The Parties request a streamlined review of the proposed settlement. To that end, the  
Parties would prefer an informal review on a paper record, as acknowledged in the Notice  
Canceling Brief Adjudication and Setting Deadline for Parties to File Settlement  
Documents, which is dated September 2, 1011. In accordance with WAC 480-07-730, the  
Parties propose the foregoing procedural alternatives for review of the proposed Agreement.

### **III. SCOPE OF THE UNDERLYING DISPUTE**

6 The underlying dispute concerns a penalty assessment issued by the Commission  
against Action Moving on July 15, 2011. In 2011, Commission Staff conducted a formal  
investigation of the business practices of Action Moving, with the intention of determining  
whether Action Moving was in compliance with Commission statutes and rules. In June  
2011, Commission Staff completed an Investigation Report that contained, among other  
things, its findings that Action Moving had violated several statutes and rules enforced by  
the Commission.<sup>1</sup>

7 The Parties commenced settlement negotiations and subsequently agreed to a  
resolution of all issues raised by the investigation and Complaint filed in this docket.

### **IV. SUMMARY OF PROPOSED SETTLEMENT**

8 The settlement resolves all of the issues in dispute. Action Moving admits that it  
violated Commission rules and agrees to a one-year suspended penalty in the amount of

\$1500, for repeat violations of WAC 480-15-630 (failure to use a proper estimate format), WAC 480-15-630 (failure to properly complete an estimate), WAC 480-15-710 (failure to use a proper bill of lading format), and WAC 480-15-710 (failure to properly complete a bill of lading). At the end of one year from the date of this Narrative, Commission Staff will re-investigate Action Moving. In the event no violations are found following that re-investigation, the \$1,500 suspended penalty will be dismissed. Action Moving commits to compliance with Commission statutes and rules. An employee of Action Moving, Scott Hoyt, must attend the Commission's Household Goods Industry training to be offered in Olympia, Washington, on October 12, 2011, from 8:15 am to 5:00 pm, in the Commission's main hearing room, Room 206.

9           Finally, the Commission is not precluded from pursuing penalties for violations of Commission statutes and rules unrelated to the subject matter of this Agreement, or for violations of the statutes and rules stated therein, subsequent to the Agreement.

**V.     STATEMENT OF PARTIES' INTERESTS AND THE PUBLIC INTEREST**

10           As stated in the 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 inherent in a litigated outcome. It is in the public interest that this dispute conclude without further expenditure of public resources on litigation. Likewise, it is in the public interest that the Agreement includes Action Moving's admission that it violated Commission statutes and rules, its agreement to a one-year suspended penalty in the amount of \$1,500, its agreement to send an Action Moving employee to the upcoming October 12, 2011, Household Goods Industry training, and its commitment to compliance with Commission statutes and rules. It is also in the public

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<sup>1</sup> See Staff Investigation Report of Action Moving Services, Inc., dated June 2011, in Docket TV-111065.  
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interest that the Agreement does not limit the Commission's enforcement abilities with respect to future violations, or violations of Commission statutes and rules unrelated to the subject matter of the docket.

11 For the above reasons, the Agreement is in the public interest. The Parties recommend that the Commission approve the Agreement in its entirety.

**VI. LEGAL POINTS THAT BEAR ON PROPOSED SETTLEMENT**

12 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**

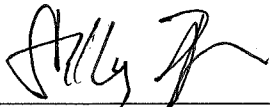
13 Because the Parties have negotiated a compromise on all of the issues in this dispute, and because the settlement is in the public interest, both parties request that the Commission approve the attached Settlement Agreement.

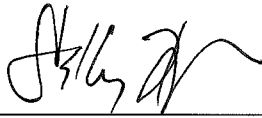

Respectfully submitted,

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

ACTION MOVING SERVICES, INC.

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Attorney General

  
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SALLY BROWN  
Senior Assistant Attorney General  
Counsel for the Washington Utilities and  
Transportation Commission Staff

   
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J. JEFF GISH *per tel. authorization*

Dated: 09/09/11, 2011

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