**BEFORE THE WASHINGTON**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| 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 |

1. **BACKGROUND**
2. 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.
3. 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.
4. 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.[[1]](#footnote-1) 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 rerference to desiring telephonic proceedings.

**II. STAFF’S RESPONSE**

1. 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.
2. 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.
3. Staff does not believe a prehearing conference is necessary, but will make itself available if the Commission decides to hold one.
4. 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 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 \_\_\_\_\_, 2017.

Respectfully submitted,

ROBERT W. FERGUSON

Attorney General

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ANDREW J. O’CONNELL

Assistant Attorney General

Counsel for Washington Utilities and

Transportation Commission Staff

1. Documents received after 5:00 p.m. are not considered received until the next business day. *See* WAC 480‑07‑145(2)(a). [↑](#footnote-ref-1)