

Docket No. TV-230083 - Vol. I

In re Application of: Accurate NW Moves LLC

March 29, 2023



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In re Application of:)
Accurate NW Moves, LLC) Docket No. TV-230083
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VIDEOCONFERENCE PREHEARING CONFERENCE
VOLUME I

Pages 1-17

Before Administrative Law Judge Rayne Pearson

DATE TAKEN: MARCH 29, 2023

REPORTED BY: LAURA L. OHMAN, RPR, CCR 3186

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A P P E A R A N C E S

(ALL PRESENT APPEARING VIA VIDEOCONFERENCING)

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON

FOR COMMISSION STAFF:

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ALSO PRESENT: PATRICK REMFREY, Washington State
Utilities and Transportation Commission

JACKIE MILLICAN, Accurate NW Moves, LLC

* * * * *

1 WEDNESDAY, MARCH 29, 2023

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4 JUDGE PEARSON: So let's go ahead and be on
5 the record.

6 Good morning. Today is Wednesday, March 29th,
7 2023, the time is just after 10 a.m.

8 This is Docket TV-230083, which is an
9 application for a household goods permit filed by
10 Accurate NW Moves.

11 My name is Rayne Pearson. I use she/her
12 pronouns, and I'm the administrative law judge presiding
13 over this proceeding.

14 So let's take appearances for both parties.
15 We'll start with commissioned staff.

16 MR. ROBERSON: Good morning, Judge Pearson.
17 My name is Jeff Roberson, R-o-b-e-r-s-o-n. I'm an
18 assistant attorney general. I use he/him pronouns. I'm
19 representing commissioned staff. With me at counsel
20 table is staff's witness Patrick Remfrey.

21 JUDGE PEARSON: Okay. And for the Company,
22 can you state your first and last name, provide your
23 address, telephone number, and an e-mail address.

24 MR. GIBBS: My name is Andrew Gibbs. My
25 telephone number is (360) 516-9128. My address is 1848

1 Northwest Circle Drive North, Poulsbo, Washington 98370.

2 And what else?

3 JUDGE PEARSON: E-mail.

4 MR. GIBBS: E-mail is
5 Andrew@accurateNWmoves.com.

6 JUDGE PEARSON: Okay. Thank you.

7 All right. So we're here today because the
8 Commission issued a notice of the intent to deny the
9 Company's application for permanent authority as a
10 household good carrier.

11 And, Mr. Gibbs, you requested a hearing to have
12 an opportunity to respond to the allegations contained
13 in that notice and explain why the application should be
14 approved.

15 And we originally had a brief adjudicative
16 proceeding scheduled for today, but after speaking with
17 the parties and the Company, in particular, I decided it
18 would be more productive to convert this to a prehearing
19 conference today to help the Company understand the
20 process, answer any questions the Company has, and
21 discuss a possible later hearing date.

22 So let's just begin with any questions from the
23 Company.

24 So there's no need to respond to the allegations
25 right now. We'll just talk through the process and how

1 we can help the Company prepare for the hearing.

2 MS. MILLICAN: Do you want me to go?

3 Okay. Well, a couple of questions that we had
4 was, well, mainly we are unclear whether or not we
5 should get some legal counsel. That was one of our
6 questions.

7 We're not sure -- it was mentioned to us just
8 recently about character witnesses, so we weren't really
9 sure -- that was the first time that we had heard that,
10 so we hadn't prepared any character witnesses yet.

11 What were the other questions? Just basically
12 how -- I know that you can't give legal, you know,
13 advice to us, just if you could tell us, like, what the
14 steps are we need to take just to prepare ourselves
15 better for the actual hearing, like documents we need to
16 have ready or available, yeah.

17 JUDGE PEARSON: Sure. What I can do is I
18 can walk you through a couple of examples of similar
19 cases that we've had at the Commission in the past --

20 MS. MILLICAN: Okay.

21 JUDGE PEARSON: -- where we've had
22 applications that were issued a notice of intent to
23 deny, the Companies requested hearings, and then what
24 they brought to those hearings, what kind of documents.

25 And so it really depends on the circumstances.

1 So, for example, we had one company where there was a
2 prior criminal record. The company owner had a drug
3 problem. He had gone to prison. He had come out of
4 prison. He'd done a lot of work through recovery
5 programs, other programs. He presented certificates of
6 graduation. He presented letters from chemical
7 dependency counselors. He had some friends come in and
8 testify about his commitment to his recovery and what he
9 had done to change. That's one example. We've actually
10 had several examples like that. So mostly, you know,
11 where there's a criminal past, people come in and
12 explain what circumstances have changed, what steps
13 they've taken, you know, how long they've been in the
14 community without additional convictions or arrests or
15 other issues like that.

16 MS. MILLICAN: Okay.

17 JUDGE PEARSON: So that's typically the type
18 of evidence I've seen before, has been letters, again,
19 certificates showing that programs have been completed,
20 and then, you know, testimony from people who can attest
21 to that person's --

22 MS. MILLICAN: Okay. That's very helpful.
23 Thank you.

24 MR. GIBBS: Yes, it is. Thank you.

25 MS. MILLICAN: Okay. And then we -- our --

1 we're not really contesting any of the additional
2 charges that weren't listed on the application. I mean,
3 at this point, I think we probably need to seek some
4 legal counsel, which we've looked into, just haven't
5 gotten anything confirmed, especially because the actual
6 hearing date came up so quickly. I was sick all last
7 week, so I didn't really have any preparing to do.

8 But what other questions do we have?

9 MR. GIBBS: That she told me was -- that was
10 so helpful -- that was -- what you told me was so
11 helpful just now.

12 MS. MILLICAN: Yeah.

13 JUDGE PEARSON: Okay. Good.

14 MS. MILLICAN: Yeah, I guess I can't think
15 of anything else right now that -- yeah. Yeah, it
16 sounds very familiar, so now I know exactly what
17 documents to get ready. I guess that's --

18 MR. GIBBS: Yeah, I think that's it. It was
19 so helpful.

20 JUDGE PEARSON: Okay. And just from the
21 standpoint of the way the Commission's rules work, it
22 looks like all of your convictions were more than five
23 years ago, so we would be looking at the portion of the
24 rule that talks about convictions older than five years
25 where the Commission has the discretion, and so you

1 would be wanting to explain to us why it would be in the
2 public interest to issue your company a permit. You
3 wouldn't have to ask for a rule exception, which is what
4 would happen if the convictions were five years or less
5 from the date of the application.

6 MS. MILLICAN: Okay. Okay. So just
7 basically pleading our case as to how things have
8 changed and what we've done to... (Pause.)

9 JUDGE PEARSON: Yeah.

10 MR. GIBBS: What I've done. What I've done.

11 MS. MILLICAN: Okay.

12 JUDGE PEARSON: And, Mr. Roberson, can you
13 think of anything else?

14 MR. ROBERSON: I cannot provide any kind of
15 legal advice.

16 JUDGE PEARSON: No, I know. I mean
17 logistically if there's anything else you can think of.

18 MR. ROBERSON: No. I just -- I think we
19 would need to talk to Mr. Gibbs and Ms. Millican about
20 how long they think it will take to find an attorney, if
21 the wish to seek one --

22 JUDGE PEARSON: Yes.

23 MR. ROBERSON: -- and schedule the hearing
24 accordingly.

25 JUDGE PEARSON: Yes. That's what I was

1 thinking.

2 Or even if you want to be back in touch with us
3 once you were able to find an attorney and give us a
4 timeframe for the hearing, you might as well, because I
5 know that can be difficult to pick an exact date and
6 then find a lawyer who's available on that exact date.

7 MS. MILLICAN: Yeah, yeah. I don't know how
8 long that would take. I know it shouldn't take us very
9 long to get in touch for anyone we want to use for a
10 character witness.

11 MR. GIBBS: Yeah, as far as treatment and
12 certificates and stuff.

13 MS. MILLICAN: Yeah, that shouldn't take us
14 very long. I guess it would just be getting on the
15 phone and getting somebody, you know, retained for
16 counsel.

17 How far does -- are you guys -- is it booked
18 out, like, far in advance for the hearings?

19 JUDGE PEARSON: No.

20 MS. MILLICAN: No? Okay.

21 JUDGE PEARSON: Not necessarily.

22 MS. MILLICAN: Okay.

23 JUDGE PEARSON: It would just be based on
24 all of our availability, Mr. Robertson's availability,
25 finding a date that works for all of us.

1 MS. MILLICAN: Okay. Okay. So let's see, I
2 guess -- I mean, I would like to say by the end of next
3 week, we could hopefully get somebody lined up.

4 JUDGE PEARSON: Okay.

5 MS. MILLICAN: I was hoping to have
6 something more firmed up by last week, but then I was
7 sick and didn't -- didn't, so we'll continue working on
8 that. I would think by next week we could find
9 somebody.

10 JUDGE PEARSON: Okay. Well, do you want
11 to -- Mr. Roberson, tell me what you think of this, just
12 to give you adequate time, what we could do is set a
13 deadline of April 14th, which gives you about two and a
14 half weeks to provide us with a dates for a hearing.

15 MS. MILLICAN: Okay.

16 MR. ROBERSON: That's fine.

17 JUDGE PEARSON: Okay.

18 MS. MILLICAN: That's the deadline.

19 JUDGE PEARSON: And if you need more time,
20 you can let us know, but that way, at least we have
21 something in the record establishing that -- you know,
22 explaining that you are looking for an attorney and you
23 expect to have retained one and let us know by April
24 14th when we can -- what dates we can look at to
25 schedule the hearing.

1 MS. MILLICAN: Okay. Perfect. I think that
2 should give us plenty of time. Yeah, we're super
3 motivated just to get this handled.

4 MR. GIBBS: Yes.

5 JUDGE PEARSON: Okay.

6 MR. GIBBS: I don't think I have anything
7 else.

8 MS. MILLICAN: Yeah.

9 JUDGE PEARSON: So another procedural thing.
10 I guess this is more for Mr. Roberson and then we can
11 discuss with the Company.

12 I do think that when we convene the hearing,
13 that it can still be a brief adjudicative proceeding. I
14 don't think we have the need for pretrial testimony or
15 anything of that nature. I think we can still proceed
16 with live testimony.

17 Do you agree with that?

18 MR. ROBERSON: Yes. Staff has no objection
19 with keeping it as that.

20 JUDGE PEARSON: Okay. And just so you all
21 know, in other forms of evidentiary hearings that the
22 commission conducts, we have what's called pretrial
23 testimony where you write your testimony and submit it
24 in advance, and I don't think that's necessary here. I
25 think that we should proceed how we planned to

1 originally, which is just we will all show up on the
2 date of the hearing, staff will have an opportunity to
3 present its case. You all will have an opportunity to
4 respond and present your case. You'll both have the
5 opportunity to ask each other questions. And then, you
6 know, it will take as long as it takes and I'll make my
7 decision based on what's provided.

8 There will be -- you will need to submit
9 anything that you want me to consider at least a week in
10 advance of the hearing, and what I'll do is I'll issue a
11 prehearing conference hearing order after today that
12 just kind of sets out what we talked about today, what
13 your deadline is for letting us know when you can do a
14 hear, and then what the filing deadlines will be for --
15 that it will be a week in advance. And then when we
16 pick the hearing date, I'll issue another notice of
17 hearing that will explain your exhibits are due by this
18 date and make sure --

19 MS. MILLICAN: Perfect, perfect. That's the
20 information we needed.

21 JUDGE PEARSON: And a list of witnesses too,
22 right, Mr. Roberson?

23 MR. ROBERSON: Indeed.

24 JUDGE PEARSON: Just the names of whoever
25 you plan to have testify.

1 MR. ROBERSON: Yes, and --

2 MS. MILLICAN: And --

3 MR. ROBERSON: -- judge Pearson, Staff has
4 already submitted that.

5 JUDGE PEARSON: Okay.

6 MR. ROBERSON: I would prefer not to submit
7 it again, so --

8 JUDGE PEARSON: You don't have to submit it
9 again.

10 And the Company has that, a company of that?

11 MR. ROBERSON: Yeah.

12 JUDGE PEARSON: Okay.

13 MR. ROBERSON: They were served.

14 JUDGE PEARSON: So that gives you an idea of
15 what it should look like.

16 MS. MILLICAN: Okay. One of the questions I
17 also have is, you know, we've been in contact with
18 several UTC agents or officials, and I'm not sure if we
19 have one specific that we need to be addressing if we
20 have any questions or -- you know, whether Jody or
21 Patrick, Jaquandria (phonetic), I think who did the
22 training stuff with us. I wasn't sure if there was one
23 specific person.

24 JUDGE PEARSON: It depends on the nature of
25 your question.

1 MS. MILLICAN: Okay.

2 JUDGE PEARSON: If it's a licensing
3 question, it would be Patrick or Jody.

4 MS. MILLICAN: Okay.

5 JUDGE PEARSON: If it's a -- you know,
6 something to do with the tariff, then it would be
7 Jaquandria.

8 MS. MILLICAN: Okay.

9 JUDGE PEARSON: If it had to do with the
10 hearing, it would be -- you could e-mail myself or Mr.
11 Roberson.

12 MS. MILLICAN: Okay. Perfect. Perfect.
13 Okay. I think -- I think --

14 JUDGE PEARSON: And that's how I'll ask you
15 to communicate when you do retain counsel and we're
16 ready to talk about hearing dates, to e-mail myself and
17 Mr. Roberson.

18 MS. MILLICAN: Okay. Okay. With the
19 information from the attorney?

20 JUDGE PEARSON: Yes.

21 MS. MILLICAN: Okay.

22 JUDGE PEARSON: And that way, we can start
23 to look at dates.

24 MS. MILLICAN: Okay. Perfect. Okay. Got
25 it. That's helpful.

1 JUDGE PEARSON: Okay. Good. I don't think
2 I need to issue a prehearing conference order. I think
3 what we talked about, I mean, it is memorialized for the
4 record that you will respond by April 14th via e-mail,
5 we'll work on scheduling a hearing, and then I'll issue
6 a notice.

7 MS. MILLICAN: No, this has been perfect. I
8 appreciate the opportunity to do this before the hearing
9 because we were really feeling a little bit lost and
10 over our heads and trying to get prepared.

11 JUDGE PEARSON: Understandable.

12 MS. MILLICAN: Thank you very much.

13 JUDGE PEARSON: All right. Is there
14 anything else?

15 MR. ROBERSON: No.

16 MR. GIBBS: No. This is so helpful.

17 JUDGE PEARSON: Okay. Good. All right.
18 That's what we're here for.

19 MR. GIBBS: Thank you.

20 JUDGE PEARSON: We look forward to hearing
21 you and --

22 MS. MILLICAN: Thank you for your time,
23 everybody.

24 JUDGE PEARSON: Absolutely. And we'll see
25 you again at the hearing.

1 MS. MILLICAN: Okay. Thank you.

2 JUDGE PEARSON: Okay. Bye.

3 (Hearing concluded at 10:17 a.m.)

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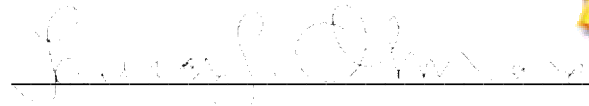
C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KING

I, Laura L. Ohman, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing prehearing conference taken on March 29, 2023, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of April, 2023.



LAURA L. OHMAN, RPR, CCR 3186

My commission expires:

MARCH 2023