

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

A-1 PIANO SALES & RENTALS, INC.;  
ALAKSA COAST TRANSPORT, INC.;  
AMERICAN MOVING CO., INC.;  
ARAYS MOVING SERVICE LLC;  
BACKBREAKERS NW, LLC;  
CALLBOX STORAGE LLC; FIVE  
STARS DELIVERY LLC; FRIENDS &  
FAMILY MOVING & STORAGE LLC;  
JFS TRANSPORT, INC.; JOHN  
VOLKEN ACADEMY; JOHNSON'S  
MOVING LLC; ALBERTO MORENO  
MENDOZA; JASON M. NELSON;  
PACIFIC KING RELOCATION &  
LOGISTICS SYSTEMS LLC; PNW  
MOVING AND DELIVERY LLC;  
PROPERTY PROS EXTERIOR  
SOLUTIONS LLC; REDEFYNE  
MOVING LLC; STANLEY G.  
ALEXANDER, INC.; and WE LIKE TO  
MOVE IT, MOVE IT!! LLC,

Respondents.

DOCKET TV-191046

ORDER 01

INITIAL ORDER GRANTING  
REQUEST TO DISMISS  
COMPLAINT AGAINST 12  
COMPANIES; GRANTING  
REQUEST TO FIND REMAINING  
COMPANIES IN DEFAULT AND  
CANCEL PERMITS FOR FAILURE  
TO FILE ANNUAL REPORTS AND  
PAY REGULATORY FEES

**BACKGROUND**

- 1 On January 21, 2020, the Washington Utilities and Transportation Commission (Commission) entered a complaint against A-1 Piano Sales & Rentals, Inc., (A-1 Piano), Alaska Coast Transport, Inc., (Alaska Coast), American Moving Co., Inc., (American

**Pursuant to RCW 80.01.060(3)  
This packet is the final  
Order in this docket.**

Moving), Arays Moving Service, LLC, (Arays Moving), Backbreakers NW, LLC, (Backbreakers), Callbox Storage LLC (Callbox), Five Stars Delivery LLC (Five Stars), Friends & Family Moving & Storage, Inc., (Friends & Family), JFS Transport, Inc., (JFS), John Volken Academy (Volken), Johnson's Moving LLC (Johnson's Moving), Alberto Moreno Mendoza (Mendoza), Jason M. Nelson (Nelson), Pacific King Relocation & Logistics Systems LLC (Pacific), PNW Moving and Deliver LLC (PNW), Property Pros Exterior Solutions (Property Pros), Redefyne Moving, LLC (Redefyne), Stanley G. Alexander, Inc., (Alexander), and We Like to Move It, Move It!! LLC (We Like to Move It). The complaint alleges that each company failed to file required annual reports for 2019 and also failed to pay required regulatory fees. The Commission set this matter for hearing and notified all respondents that any party that failed to attend or participate in the hearing may be held in default.

- 2 The complaint was heard on February 27, 2020, in Lacey, Washington before Administrative Law Judges Samantha Doyle and Rayne Pearson. Jeff Roberson, Assistant Attorney General, Olympia, Washington represents Commission staff (Staff).<sup>1</sup> During the hearing, Staff presented the testimony of Rachel Stark, Regulatory Analyst. None of the household goods carriers named in the complaint appeared at the hearing or presented testimony.

### DISCUSSION AND DECISION

- 3 **Applicable Law.** Every public service company operating in Washington is required to file an annual report that sets forth the company's operations during the preceding year.<sup>2</sup> Every common carrier must also pay a regulatory fee of no more than one quarter of one percent of its gross income from intrastate operations for the previous calendar year on or before the date specified by the Commission.<sup>3</sup> Commission rules require all permitted household goods carriers to file annual reports and pay regulatory fees by May 1.<sup>4</sup> The Commission may cancel a household goods carrier permit for good cause, which

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<sup>1</sup> In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

<sup>2</sup> RCW 81.04.080.

<sup>3</sup> RCW 81.80.321.

<sup>4</sup> WAC 480-15-480.

includes, but is not limited to, the failure to file an annual report or pay regulatory fees.<sup>5</sup> Any party who fails to attend or participate in a hearing scheduled by the Commission may be held in default.<sup>6</sup>

4 **Motion to Dismiss.** At the hearing, Staff moved to dismiss the complaint against 8 companies named in the complaint because each of those companies filed its annual report and paid its regulatory fee, as follows:

- Alaska Coast filed its annual report on January 22 and paid its regulatory fee on January 27, 2020.
- American Moving filed its annual report on February 6 and paid its regulatory fee on February 25, 2020.
- Backbreakers filed its annual report on February 3 and paid its regulatory fee on February 4, 2020.
- Callbox filed its annual report and paid its regulatory fee on February 4, 2020.
- Five Stars filed its annual report on January 24 and paid its regulatory fee on January 27, 2020.
- Friends & Family filed its annual report and paid its regulatory fee on February 27, 2020.
- PNW filed its annual report and paid its regulatory fee on February 24, 2020.
- Alexander filed its annual report and paid its regulatory fee on January 27, 2020.

In addition, A-1 Piano's, Arays Moving's, Nelson's, and Pacific's household goods permits were cancelled for failure to provide proof of insurance prior to the hearing.<sup>7</sup> The motion to dismiss the complaint against these 12 companies was granted.

5 **Default.** Staff moved that the 7 companies be held in default for failing to appear at the hearing. The record reflects that each company was sent notice of the hearing by certified and first class mail at its address of record, and by email at its email address of record, and failed to appear or otherwise respond to the complaint.<sup>8</sup> Therefore, the motion for

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<sup>5</sup> WAC 480-15-450.

<sup>6</sup> RCW 34.05.440; WAC 480-07-450.

<sup>7</sup> *A-1 Piano* Docket TV-200031; *Arays Moving* Docket TV-200034; *Nelson* Docket TV-200060; *Pacific* Docket TV-191039.

<sup>8</sup> Pursuant to WAC 480-07-150(4), the Commission may serve documents electronically except where proof of service is required by law. The Commission's Final Order adopting changes to WAC 480-07 accepted Staff's position that electronic service is acceptable for commencing adjudicative proceedings against regulated companies. *See* General Order 588 – Final Adoption

default against each of these 7 companies was granted. Even so, Staff requested that the Commission hear and dispose of the substantive issues brought in the complaint against JFS, Volken, Johnson's Moving, Mendoza, Property Pros, Redefyne, and We Like To Move It.

6 **Complaint.** Ms. Stark testified that she reviews the Commission's Annual Report Tracking System (ARTS) to obtain a list of all companies that are delinquent in filing their annual reports or paying their regulatory fees. Ms. Stark reviewed ARTS data for each company named in the complaint as late as the morning of the hearing on February 27, 2020.

7 JFS holds authority to transport household goods in the state of Washington for compensation. As such, JFS is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that JFS failed to file its annual report for 2019 and failed to pay regulatory fees. Moreover, JFS failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, JFS's household goods carrier permit should be canceled.

8 Volken holds authority to transport household goods in the state of Washington for compensation. As such, Volken is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Volken failed to file its annual report for 2019 and failed to pay regulatory fees. Moreover, Volken failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Volken's household goods carrier permit should be canceled.

9 Johnson's Moving holds authority to transport household goods in the state of Washington for compensation. As such, Johnson's Moving is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Johnson's Moving failed to file its annual report for 2019 and failed to pay regulatory fees. Moreover, Johnson's Moving failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Johnson's Moving's household goods carrier permit should be canceled.

10 Mendoza holds authority to transport household goods in the state of Washington for compensation. As such, Mendoza is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records

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Order – WSR 17-06-051, Docket A-130355 ¶16 and Appendix A (March 2, 2017). Accordingly, the companies were properly served by electronic mail.

shows that Mendoza failed to file its annual report for 2019 and failed to pay regulatory fees. Moreover, Mendoza failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Mendoza's household goods carrier permit should be canceled.

- 11 Property Pros holds authority to transport household goods in the state of Washington for compensation. As such, Property Pros is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Property Pros failed to file its annual report for 2019 and failed to pay regulatory fees. Moreover, Property Pros failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Property Pros' household goods carrier permit should be canceled.
- 12 Redefyne holds authority to transport household goods in the state of Washington for compensation. As such, Redefyne is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Redefyne failed to file its annual report for 2019 and failed to pay regulatory fees. Moreover, Redefyne failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Redefyne's household goods carrier permit should be canceled.
- 13 We Like to Move It holds authority to transport household goods in the state of Washington for compensation. As such, We Like to Move It is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that We Like to Move It failed to file its annual report for 2019 and failed to pay regulatory fees. Moreover, We Like to Move It failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, We Like to Move Its household goods carrier permit should be canceled.

### **FINDINGS AND CONCLUSIONS**

- 14 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods carriers.
- 15 (2) A-1 Piano, Alaska Coast, American Moving, Arays Moving, Backbreakers, Callbox, Five Stars, Friends & Family, JFS, Volken, Johnson's Moving, Mendoza, Nelson, Pacific, PNW, Property Pros, Redefyne, Alexander and, We

Like to Move It are each a “public service company,” “common carrier,” and “household goods carrier” as those terms are defined and used in RCW Title 81.

- 16 (3) On January 21, 2020, the Commission entered a complaint and notice of hearing. The complaint against each of the above-named household goods carriers sought cancellation of the company’s permit for failure to submit an annual report and pay regulatory fees. The notice of hearing scheduled a hearing to convene on February 27, 2020, in Lacey, Washington. Each of the above-named household goods carriers was properly served and notified of the hearing.
- 17 (4) Subsequent to the entry of the complaint, Alaska Coast, American Moving, Backbreakers, Callbox, Five Stars, Friends & Family, PNW and, Alexander each filed its annual report and paid its regulatory fee. Accordingly, the complaint against Alaska Coast, American Moving, Backbreakers, Callbox, Five Stars, Friends & Family, PNW and, Alexander should be dismissed.
- 18 (5) Subsequent to the entry of the complaint, A-1 Piano’s, Arays Moving’s, Nelson’s, and Pacific’s household goods permits were cancelled for failure to provide proof of insurance. Accordingly, the complaint against A-1 Piano, Arays Moving, Nelson, and Pacific should be dismissed.
- 19 (6) The failure of JFS, Volken, Johnson’s Moving, Mendoza, Property Pros, Redefyne, and We Like To Move It to file their annual reports for 2019 and pay regulatory fees constitutes good cause to cancel their household goods carrier permit to operate in Washington.
- 20 (7) JFS, Volken, Johnson’s Moving, Mendoza, Property Pros, Redefyne, and We Like To Move It are in default for failure to appear at the February 27, 2020, hearing in this matter.

**ORDER**

**THE COMMISSION ORDERS THAT:**

- 21 (1) The complaint against A-1 Piano Sales & Rentals, Inc., Alaska Coast Transport, Inc., American Moving Co., Inc., Arays Moving Service LLC, Backbreakers NW LLC, Callbox Storage LLC, Five Stars Delivery LLC, Friends & Family Moving & Storage, Inc., Jason M. Nelson, Pacific King Relocation & Logistics Systems LLC, PNW Moving and Delivery LLC, and Stanley G. Alexander, Inc., is dismissed.

- 22 (2) JFS Transport, Inc., John Volken Academy, Johnson's Moving LLC, Alberto Moreno Mendoza, Property Pros Exterior Solutions LLC, Redefyne Moving LLC, and We Like To Move It, Move It!! LLC are in default.
- 23 (3) The household goods carrier permits held by JFS Transport, Inc., John Volken Academy, Johnson's Moving LLC, Alberto Moreno Mendoza, Property Pros Exterior Solutions LLC, Redefyne Moving LLC, and We Like To Move It, Move It!! LLC are canceled for failure to file annual reports for 2019 and pay regulatory fees.

DATED at Lacey, Washington, and effective March 2, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Samantha Doyle*  
SAMANTHA DOYLE  
Administrative Law Judge

### NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

**WAC 480-07-450(2) states that a party held in default has 10 days after service of a default order to file a written motion requesting the order be vacated and the proceeding reopened for further process. The party held in default must state the grounds relied upon, including its reasons for failing to appear.**

WAC 480-07-610(7) provides that any party to this proceeding has 21 days after service of this initial order to file a petition for administrative review (Petition). Section (7)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-610(7)(c) states that any party may file a response to a Petition within 7 days after service of the Petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence that is essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will give other parties in the proceeding an opportunity to respond to a motion to reopen the record, unless the Commission determines that it can rule on the motion without hearing from the other parties.

WAC 480-07-610(9) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission does not exercise administrative review on its own motion.

Any Petition or response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5).