

Docket No. TV-200820 - Vol. I

**WUTC v. Super Friends Moving, L.L.C. d/b/a Super
Friends Moving**

October 22, 2020



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND) DOCKET: TV-200820
TRANSPORTATION COMMISSION,)
))
Complainant,)
))
vs.)
))
SUPER FRIENDS MOVING L.L.C.,)
D/B/A SUPER FRIENDS MOVING,)
))
))
Respondent.)

TELEPHONIC PREHEARING CONFERENCE, VOLUME I

Pages 1-17

ADMINISTRATIVE LAW JUDGE SAMANTHA DOYLE

October 22, 2020

9:37 a.m.

Washington Utilities and Transportation Commission
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A P P E A R A N C E S

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ALSO PRESENT:

JACQUE HAWKINS-JONES
Staff Witness

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1 LACEY, WASHINGTON; OCTOBER 22, 2020

2 9:37 A.M.

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P R O C E E D I N G S

5

6 JUDGE DOYLE: Let's be on the record. Good
7 morning. This is Docket TV-200820, which is a formal
8 complaint for penalties against Super Friends Moving,
9 LLC, doing business as Super Friends Moving. The
10 complaint alleges that Super Friends operated without a
11 permit in violation of RCW 81.80.075(1) and the cease
12 and desist order entered against Supper Friends by the
13 Commission in Order 2 in Docket TV-170206.

14 My name is Samantha Doyle, and I'm the
15 administrative law judge presiding over today's
16 prehearing conference.

17 Today is Thursday, October 22nd, 2020, and
18 the time is approximately 9:37.

19 This prehearing conference is going to be a
20 chance for the parties to discuss a procedural schedule.

21 Let's take short appearances, and Commission
22 Staff?

23 MR. ROBERSON: Good morning, Judge Doyle.
24 My name is Jeff Roberson, Assistant Attorney General. I
25 represent Staff. With me at counsel table are Staff's

1 investigator, Jacque Hawkins-Jones, and Bridget Feaser,
2 the assistant director of consumer protection.

3 JUDGE DOYLE: Thank you.

4 And Public Counsel?

5 MS. GAFKEN: Good morning, Judge Doyle. My
6 name is Lisa Gafken, Assistant Attorney General,
7 appearing on behalf of Public Counsel. On the line with
8 me is our regulatory analyst, Stephanie Chase.

9 JUDGE DOYLE: Great, thank you.

10 And I can see that we have yet to have
11 anyone else join us, so we're going to take a break
12 until 9:45 to give the company an opportunity to arrive,
13 and should they not arrive at 9:45, I will entertain a
14 motion for default. Thank you so much.

15 (A break was taken from
16 9:40 a.m. to 9:45 a.m.)

17 JUDGE DOYLE: Let's be back on the record.
18 It is 9:45 and it appears that the company has not
19 joined us. I will now entertain a motion for default if
20 there is one.

21 MR. ROBERSON: Good morning, Your Honor.
22 Once again, Jeff Roberson for Staff. RCW 34.05.440
23 Administrative Procedure Act authorizes default in
24 agency proceedings. The Commission's rules at RCW
25 480.07.450 I believe authorizes the Commission to enter

1 an order of default where a person fails to appear at
2 the time and place set for hearing. Order 01 in this
3 matter, I believe it's at page 6, paragraph 38, orders
4 the parties to attend and notifies them that if they
5 fail to do so, will -- they can be held in default.
6 Super Friends has failed to appear at the time and place
7 designated for hearing and Staff asks that you enter an
8 order of default and also allow Staff to present its
9 witnesses so that you can dispose of this matter on the
10 merits.

11 JUDGE DOYLE: I will entertain -- or we will
12 continue with the matter on the merits.

13 MR. ROBERSON: Then Staff would call Jacque
14 Hawkins-Jones to the stand.

15 MS. HAWKINS-JONES: Good morning.

16 MR. ROBERSON: And actually, Your Honor,
17 before we do that, it might be easier since this is
18 being done virtually, I'm going to ask Ms. Hawkins-Jones
19 about the attachments that were filed with her
20 declaration. They are filed in this docket, which is
21 200820. I don't know if it's easier for people to just
22 pull those up so they can look at them. I don't have
23 copies that I can distribute. I mean, I guess download
24 them and email them to you if you prefer that.

25 JUDGE DOYLE: Go ahead and default. I'm

1 also going to -- or I'm sorry, I'm going to grant the
2 default and go ahead and email them quickly.

3 And, Ms. Hawkins, I will swear you in.

4 MS. HAWKINS-JONES: Okay.

5 (Jacque Hawkins-Jones sworn.)

6 JUDGE DOYLE: Okay. Thank you.

7 And as soon as you've sent that email,
8 Mr. Roberson, we can begin.

9 MR. ROBERSON: One second, Your Honor.

10 JUDGE DOYLE: Okay. Thank you.

11 MS. GAFKEN: Judge Doyle? This is Lisa
12 Gafken. If I may, I just wanted to respond to the
13 default as well. Public Counsel doesn't necessarily
14 oppose the default, but I -- I would note that the
15 company did not appear at the last prehearing conference
16 for the last complaint case either, but did participate
17 in the proceeding going forward. So I think that really
18 it can go either way, and as I said, we don't oppose the
19 going down this path of default. But I did want to note
20 that -- that history as well.

21 JUDGE DOYLE: Great. Thank you for that
22 contribution. I appreciate it.

23 MR. ROBERSON: And hopefully those
24 attachments are in your inbox.

25 JUDGE DOYLE: I see them now. Thank you.

1 And also, the -- to speak to Public Counsel,
2 the company can ask to vacate.

3 So go ahead, Mr. Roberson.

4 MR. ROBERSON: Staff calls Jacque
5 Hawkins-Jones to the stand, Your Honor. And I'm sorry,
6 I was downloading exhibits, did you already swear her
7 in? If so, I apologize.

8 JUDGE DOYLE: I was going to say yes, she is
9 sworn in. You may proceed. Thank you.

10

11 E X A M I N A T I O N

12 BY MR. ROBERSON:

13 Q. Good morning. Could you state your name and
14 spell your last name for the record?

15 A. My name is Jacque Hawkins-Jones. Last name
16 H-a-w-k-i-n-s, hyphen, J-o-n-e-s.

17 Q. Who is your employer?

18 A. My employer is the Washington State Utilities
19 and Transportation Commission.

20 Q. In what capacity does the Commission employ you?

21 A. I am a compliance investigator in the consumer
22 protection division.

23 Q. How long have you been a compliance
24 investigator?

25 A. I have been a compliance investigator with the

1 Commission for over one year.

2 Q. What are your duties as a compliance
3 investigator?

4 A. I investigate the business practices of
5 Commission-regulated utility and transportation
6 companies, including household goods carriers who may be
7 operating without a Commission-issued permit.

8 Q. And could you briefly run down your educational
9 background and whatever trainings you've had to enable
10 you to carry out your duties?

11 A. Sure, I have an associate's degree from Olympic
12 College and have over seven years' experience as a
13 certified investigator in the state of Washington. I
14 have also completed numerous trainings including
15 advanced courses in fraud training.

16 Q. Are you familiar with a company called Super
17 Friends Moving?

18 A. I am familiar with the company.

19 Q. How are you familiar with the company?

20 A. I was asked to conduct a review of the company
21 after Staff completed an investigation into complaint of
22 the company's nonpermitted status as a household goods
23 carrier.

24 Q. And that earlier investigation that you just
25 mentioned, that was the investigation that culminated in

1 the settlement in Docket 190835?

2 A. Yes.

3 Q. Are you familiar with the terms of that
4 settlement?

5 A. Yes, I am.

6 Q. And does that settlement require Super Friends
7 to cease and desist household goods carrier operations
8 unless or until it obtained a Commission-issued permit?

9 A. Yes.

10 Q. And so you mentioned that you investigated its
11 compliance for that settlement; is that correct?

12 A. Correct.

13 Q. And in the course of that investigation, did you
14 find any advertisements for Super Friends?

15 A. Yes, I did.

16 Q. Would you please turn to the attachments to your
17 declaration?

18 A. Okay. I'm there.

19 Q. If you can turn to page 9.

20 A. Okay. I'm there.

21 Q. Can you describe, I guess, this page and the
22 next page?

23 A. Sure. This was a screenshot capture of Super
24 Friends' Yelp web page.

25 Q. And is that a true and accurate copy of the web

1 page as you saw it?

2 A. Yes.

3 Q. And from the document, it looks like you
4 captured this web page on August 3rd, 2020; is that
5 correct?

6 A. Correct.

7 Q. Now, if you go to it's page 10 of your
8 attachments, at the top, does Super Friends list kind of
9 the services it offers?

10 A. Yes, it does.

11 Q. And is there anything of note in there?

12 A. It advertises household moving as a service it
13 provides.

14 Q. Ands does the Yelp advertisement show Super
15 Friends' service territory?

16 A. Yes, it does.

17 Q. How does it do that?

18 A. Under the location and hours section of that
19 page, it shows the Greater Seattle Area as a service
20 territory.

21 Q. And Seattle is a city in Washington, correct?

22 A. Correct.

23 Q. Okay.

24 MR. ROBERSON: Judge Doyle, at this point, I
25 would move to admit pages 9 and 10 of the attachments as

1 Exhibit JHJ-1.

2 JUDGE DOYLE: Exhibits will be admitted into
3 the record now. Thank you.

4 (Exhibit JHJ-1 admitted.)

5 BY MR. ROBERSON:

6 Q. Did you attempt to obtain a quote from Super
7 Friends after you discovered its advertisements?

8 A. Yes, I did.

9 Q. Would you go up in the attachments to pages 7
10 and 8?

11 A. Okay. I'm there.

12 Q. Can you identify those documents?

13 A. Yes. This is the copy of the quote that I
14 submitted to Super Friends.

15 Q. And what did you ask for in terms of a quote?

16 A. I asked for the company to provide a service
17 between two points in the state of Washington and to
18 move a two-bedroom-sized move.

19 Q. How did you pick the two points?

20 A. They are standard two points, apartment
21 residential points within the state of Washington.

22 Q. Okay. And are these true and accurate copies of
23 your request for a quote and the quote provided by Super
24 Friends?

25 A. Yes, it is.

1 Q. And it looks like these were also submitted by
2 Super Friends on August 3rd, 2020, correct?

3 A. Correct.

4 MR. ROBERSON: Judge Doyle, at this point,
5 Staff would move to admit pages 7 and 8 of the
6 attachments as Exhibit JHJ-2.

7 JUDGE DOYLE: And Exhibit J-JH [sic] 2 is
8 admitted into the record. Thank you.

9 (Exhibit JHJ-2 admitted.)

10 BY MR. ROBERSON:

11 Q. Ms. Hawkins-Jones, did Super Friends have a
12 permit at the time it was advertising or providing these
13 quotes?

14 A. No, it did not.

15 Q. Did it subsequently obtain a permit?

16 A. No, it has not.

17 Q. Okay. But we're clear that it did not have a
18 permit at this -- at this time, in early August?

19 A. Correct.

20 MR. ROBERSON: Okay. At this point, Staff
21 has no further question, Judge Doyle.

22 JUDGE DOYLE: Thank you. And with that, I
23 will grant your motion and memorialize it in the order.

24 I'd also like to note on Public Counsel's
25 comment that based on the company's poor compliance

1 history, I'm not inclined to give them much leeway, but
2 it will certainly have the opportunity to seek -- seek
3 to vacate the default within ten days of issuance --
4 issuing this order.

5 And is there anything else that we need to
6 discuss further today?

7 MS. GAFKEN: Judge Doyle, I was wondering if
8 I could ask a few questions of the witness as well,
9 because there's a few points that I wanted to make sure
10 were clear on the record.

11 JUDGE DOYLE: Absolutely. Apologies for not
12 giving you the opportunity. Public Counsel, go ahead.

13

14 E X A M I N A T I O N

15 BY MS. GAFKEN:

16 Q. Good morning, Ms. Hawkins-Jones.

17 A. Good morning.

18 Q. So the Commission had ordered the company to
19 cease and desist and that means that it -- it was not
20 allowed to operate and that includes advertisements and
21 providing quotes, correct?

22 A. Correct.

23 Q. And that also means that they're -- they're not
24 allowed to advertise in -- in any manner, correct?

25 A. Correct.

1 Q. My understanding is that Super Friends has a
2 position that it assumed that it would be permitted at
3 the time of the move that you were requesting; is that
4 your understanding as well?

5 A. Yes, that is my understanding.

6 Q. Okay. But even though they may have had this
7 assumption that it would be permitted at the time that
8 the move would occur, it was still a violation of the
9 cease and desist order by advertising, correct?

10 A. Correct.

11 Q. And it was also still a violation of the cease
12 and desist order when it provided you a quote for -- for
13 the move, correct?

14 A. Correct.

15 Q. And this is not the first violation by Super
16 Friends in -- in terms of operating while not permitted
17 and providing quotes for moves while not permitted,
18 correct?

19 A. Correct.

20 MS. GAFKEN: Okay. Thank you. I don't have
21 any further questions, Judge Doyle.

22 JUDGE DOYLE: Thank you, Ms. Gafken.

23 Are there any other issues that we should
24 discuss before adjourning today?

25 MS. GAFKEN: I'll just bring up one more --

1 just -- it may not matter because if the company doesn't
2 object to the default, then we may not have a proceeding
3 going forward. But I did want to alert the judge and --
4 and I've spoken with Mr. Roberson about this as well,
5 but if the proceeding does carry on, Public Counsel was
6 planning on asking for discovery. So, you know, if --
7 if we have a proceeding, that will be a request that I
8 will make at that time. But I wanted to at least give
9 everybody a heads-up about that.

10 JUDGE DOYLE: Okay. Great. I appreciate
11 that notification.

12 And thank you all for appearing today. We
13 are adjourned.

14 (Adjourned at 10:00 a.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358