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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3	WASHINGTON UTILITIES AND)	
	TRANSPORTATION COMMISSION,)	
4)	
	Complainant,)	
5)	
	vs.)	DOCKET NO. TV-072077
6)	Volume I
	TODD BRENDEN D/B/A ACCESS)	Pages 1 - 17
7	MOVING; BUMBLEBEE MOVING)	
	NORTH, INC.; CASCADE MOVING)	
8	& STORAGE, INC., and CHELAN)	
	TRANSFER COMPANY, INC.,)	
9)	
	Respondents.)	

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12 A hearing in the above matter was held on
 13 November 27, 2007, at 1:30 p.m., at 1300 South
 14 Evergreen Park Drive Southwest, Olympia, Washington,
 15 before Administrative Law Judge ANN RENDAHL.

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17 The parties were present as follows:

18 WASHINGTON UTILITIES AND TRANSPORTATION
 19 COMMISSION, by MICHAEL A. FASSIO, Assistant Attorney
 20 General, 1400 South Evergreen Park Drive Southwest,
 Post Office Box 40128, Olympia, Washington 98504;
 telephone, (360) 664-1192.

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24 Kathryn T. Wilson, CCR

25 Court Reporter

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INDEX OF EXHIBITS

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EXHIBIT:	OFFERED:	ADMITTED:
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SHERI HOYT

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by Mr. Fassio

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1 P R O C E E D I N G S

2 JUDGE RENDAHL: Good afternoon. I'm Ann
3 Rendahl, the administrative law judge presiding over
4 this proceeding this afternoon. We are here before the
5 Washington Utilities and Transportation Commission on
6 Tuesday, November 27th, 2007, in Olympia, Washington,
7 to begin a hearing in Docket TV-072077, which is
8 captioned Washington Utilities and Transportation
9 Commission, Complainant, versus Todd Brenden, d/b/a
10 Access Moving; Bumblebee Moving North, Incorporated;
11 Cascade Moving and Storage, Incorporated, and Chelan
12 Transfer Company, Incorporated, Respondents.

13 The primary issue in this proceeding is
14 whether the four household goods moving companies named
15 in the Complaint have filed their annual reports and
16 paid their regulatory fees for calendar year 2006. By
17 rule, the Commission may cancel a household goods
18 carrier's permit for good cause, which includes failure
19 to submit an annual report or pay regulatory fees.

20 So after we take appearances, I'm going to
21 hear testimony from Commission staff and any other
22 party who may appear on the bridge line or in person
23 about whether there has been a change in compliance
24 since the Commission issued its complaint. So at this
25 point, let's go forward and take appearances. At this

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1 point, the only persons in the room are Staff, so let's
2 take the appearances of Staff.

3 MR. FASSIO: Michael Fassio, assistant
4 attorney general, present on behalf of Commission
5 staff. My address is 1400 South Evergreen Park Drive
6 Southwest, P.O. Box 40128, Olympia, Washington, 98504.
7 My telephone number is (360) 664-1192. Fax is (360)
8 586-5522. E-mail is mfassio@wutc.wa.gov.

9 JUDGE RENDAHL: There is no other person
10 appearing in the room aside from Commission staff
11 members, and is there anyone appearing on the bridge
12 line on behalf of any of the four named households
13 goods companies? Hearing nothing, it appears that it
14 is only Staff appearing today, and while we were off
15 the record, Mr. Fassio, gave me two copies of nine
16 different exhibits concerning the compliance status of
17 three of the different companies, so I think it's
18 appropriate at this point to swear in Ms. Hoyt as a
19 witness for Staff and then we can have testimony by
20 Staff on where we are on this complaint. So Ms. Hoyt,
21 would you raise your right hand, please?

22

23 Whereupon,

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SHERI HOYT,

25 having been first duly sworn, was called as a witness

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1 herein and was examined and testified as follows:

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3 JUDGE RENDAHL: Please go ahead.

4

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

6 BY MR. FASSIO:

7 Q. Please state and spell your first and last
8 name for the record.

9 A. Sheri Hoyt, S-h-e-r-i, H-o-y-t.

10 Q. Who is your employer?

11 A. Washington Utilities and Transportation
12 Commission.

13 Q. What is your position with the Commission?

14 A. I'm a compliance specialist in the business
15 practices investigation section.

16 Q. Would you please describe your duties as they
17 relate to this case?

18 A. I conduct investigations regarding the
19 business practices of regulated utilities or
20 transportation companies. As part of those duties, I
21 investigate companies that are delinquent in filing
22 annual reports and paying regulatory fees.

23 Q. What statute or rule do you understand to be
24 at issue in this proceeding?

25 A. There are three; RCW 81.04.080, which

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1 requires each public service company to file an annual
2 report with the Commission; RCW 81.80.321, which
3 requires each common carrier to pay an annual
4 regulatory fee, and WAC 480-15-480, which requires
5 households goods carriers to submit annual reports and
6 regulatory fees to the Commission no later than May 1.

7 Q. Are you familiar with the companies named in
8 this proceeding?

9 A. Yes.

10 Q. I would like to ask you about each respondent
11 separately. First though, please describe generally
12 how you are familiar with the companies in this
13 proceeding.

14 A. The financial services section refers
15 companies that are delinquent in filing annual reports
16 and/or paying regulatory fees to the business practices
17 investigation section. Financial services staff by
18 hand delivery informs the business practices section
19 that a company is delinquent in filing the annual
20 report and paying the regulatory fee for that period;
21 in this case, the 2006 annual report and the 2007
22 regulatory fee.

23 Q. Have any of the companies that are named in
24 this proceeding filed annual reports or paid regulatory
25 fees since the Commission filed the Complaint in this

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1 proceeding?

2 A. Yes.

3 Q. How did you determine that companies have
4 since made filings?

5 A. I checked the annual reports tracking system
6 data base, called ARTS, which is where staff enters
7 receipt information for annual reports and regulatory
8 fees. In addition, I consulted with the UTC revenue
9 system reports from the Commission's financial services
10 division regarding payments of regulatory fees.

11 Q. When is the last time you checked those?

12 A. 12:15 p.m. today.

13 Q. Thank you. Now I will ask you about the
14 individual companies. Was one of the companies
15 referred to you Todd Brenden, doing business as Access
16 Moving?

17 A. Yes.

18 Q. Has Access Moving filed a 2006 annual report?

19 A. Yes.

20 Q. Please turn now to what's been marked as
21 Exhibit No. 1.

22 A. (Witness complies.)

23 Q. Is Exhibit No. 1 a true and accurate copy of
24 Access Moving's 2006 annual report?

25 A. It is.

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1 Q. When was Access Moving's annual report filed?

2 A. We received it on November 20th, 2007.

3 Q. How did you determine the filing date?

4 A. I consulted the ARTS database.

5 Q. Please turn to what's been marked as Exhibit

6 No. 2.

7 A. (Witness complies.)

8 Q. Is Exhibit No. 2 a true and accurate copy of
9 the ARTS record for Access Moving?

10 A. It is.

11 Q. Did Access Moving owe regulatory fees for
12 2007?

13 A. It did.

14 Q. What is the amount of Access Moving's
15 regulatory fee?

16 A. \$186.28 plus an additional \$14.91 in late
17 penalties and interest for a total of \$201.19.

18 Q. Please turn now to what's been marked as
19 Exhibit No. 3. Is Exhibit No. 3 a true and accurate
20 copy of the UTC revenue system record for this carrier?

21 A. It is.

22 Q. According to the revenue system record, has
23 Access Moving paid the regulatory fee?

24 A. It did, on November 20, 2007, and the date
25 appears in the upper right-hand corner of the record.

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1 MR. FASSIO: At this time, I would like to
2 move for the admission of Exhibits 1, 2, and 3.

3 JUDGE RENDAHL: I just have one question,
4 actually, two questions. On Exhibit No. 1, who puts
5 the date stamp on that front page of the annual report?
6 Is that the records center?

7 THE WITNESS: Yes.

8 JUDGE RENDAHL: So the records center would
9 have stamped that received on the 20th.

10 THE WITNESS: Yes.

11 JUDGE RENDAHL: But it's also reported in the
12 ARTS system.

13 THE WITNESS: Yes, same day. They should be
14 processed on the same day.

15 JUDGE RENDAHL: The revenue information which
16 is on Exhibit No. 3, we know from your testimony that
17 the fee amount was \$186, and the late fee and interest
18 was \$14.91, which is on the second page under "amount."
19 How do you identify this information in revenue?

20 THE WITNESS: This is the revenue record that
21 the financial services office gave me. I can also
22 calculate it by referring to the ARTS information
23 itself, which is Exhibit 2, and it will show the
24 regulatory fee amount of \$186.28, and then in the
25 events down below, it will show the fee or interest or

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1 "L" fee for late fee.

2 JUDGE RENDAHL: I was just wondering if there
3 is some way to track this when it's printed out. These
4 three exhibits are admitted.

5 Q. (By Mr. Fassio) What is your recommendation
6 to the Commission regarding this company?

7 A. I recommend that the Commission not cancel
8 this carrier.

9 Q. Was one of the companies referred to you
10 Bumblebee Moving North, Incorporated?

11 A. Yes.

12 Q. Has Bumblebee Moving North, Incorporated,
13 filed a 2006 annual report?

14 A. Yes.

15 Q. Please turn to what's been marked as Exhibit
16 No. 4. Is Exhibit No. 4 a true and accurate copy of
17 Bumblebee Moving North, Incorporated's 2006 annual
18 report?

19 A. It is.

20 Q. When was Bumblebee Moving North,
21 Incorporated's annual report filed?

22 A. Today, November 27th, 2007.

23 Q. How did you determine the filing date?

24 A. I consulted the ARTS database.

25 Q. Please turn to what's been marked as Exhibit

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1 No. 5.

2 A. (Witness complies.)

3 Q. Is Exhibit No. 5 a true and accurate copy of
4 the ARTS record for Bumblebee Moving North?

5 A. Yes.

6 Q. Did Bumblebee Moving North owe regulatory
7 fees for 2007?

8 A. Yes.

9 Q. What is the amount of Bumblebee Moving
10 North's regulatory fee?

11 A. \$676.39, plus an additional \$54.10 in late
12 penalties and interest for a total of \$730.49.

13 Q. Please turn to what's been marked as Exhibit
14 No. 6.

15 A. (Witness complies.)

16 Q. Is Exhibit No. 6 a true and accurate copy of
17 the UTC revenue system record for this carrier?

18 A. Yes.

19 Q. According to the revenue system record, has
20 Bumblebee Moving North paid the regulatory fee?

21 A. Yes. The fee was paid today, November 27th,
22 and the date appears in the upper right-hand corner of
23 the record.

24 MR. FASSIO: At this time, I would like to
25 move for the admission of Exhibits No. 4, 5, and 6.

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1 JUDGE RENDAHL: They are so admitted.

2 Q. (By Mr. Fassio) Ms. Hoyt, what is your
3 recommendation to the Commission regarding this
4 company?

5 A. I recommend that the Commission not cancel
6 the company's permit at this time.

7 Q. Was one of the companies referred to you
8 Cascade Moving and Storage, Incorporated?

9 A. Yes.

10 Q. Has Cascade Moving and Storage filed the 2006
11 annual report?

12 A. Yes.

13 Q. Please turn to what's been marked as Exhibit
14 No. 7.

15 A. (Witness complies.)

16 Q. Is Exhibit No. 7 a true and accurate copy of
17 Cascade Moving and Storage's 2006 annual report?

18 A. It is.

19 Q. When was Cascade Moving and Storage's annual
20 report filed?

21 A. Today, November 27th, 2007.

22 Q. How did you determine the filing date?

23 A. I consulted the ARTS database.

24 Q. Please turn to what's been marked as Exhibit
25 No. 8.

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1 A. (Witness complies.)

2 Q. Is Exhibit No. 8 a true and accurate copy of
3 the ARTS record for Cascade Moving and Storage,
4 Incorporated?

5 A. Yes.

6 Q. Did Cascade Moving and Storage owe regulatory
7 fees for 2007?

8 A. It did.

9 Q. What is the amount of Cascade Moving and
10 Storage's regulatory fee?

11 A. \$1,564.49, plus an additional \$125.16 in late
12 penalties and interest for a total of \$1,689.65.

13 Q. Please turn to what's been marked as Exhibit
14 No. 9. Is Exhibit No. 9 a true and accurate copy of
15 the UTC revenue system record for this carrier?

16 A. It is.

17 Q. According to the revenue system record, has
18 Cascade Moving and Storage paid the regulatory fee?

19 A. It has, on November 27th, 2007. The date
20 appears in the upper right-hand corner of the record.

21 MR. FASSIO: At this time, I would like to
22 move for the admission of Exhibits No. 7, 8, and 9.

23 JUDGE RENDAHL: I have one question about
24 Exhibit No. 9. Should there be a second page
25 indicating the fees and interest, or is that not yet

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1 available?

2 THE WITNESS: I believe it should be.

3 However, because of when this was received, during the
4 noon hour, a staff not generally responsible for
5 inputting revenue did that, and I don't believe they
6 were aware they needed to print them separately, but
7 the check was received.

8 JUDGE RENDAHL: So if you need to supplement
9 Exhibit No. 9, given the shortness before the hearing,
10 just submit it with the Commission and request that you
11 are supplementing Exhibit No. 9 for completeness, given
12 how the other exhibits appear, so otherwise, they all
13 seem to be consistent, so 7, 8, and 9 are admitted.

14 Q. (By Mr. Fassio) Ms. Hoyt, what is your
15 recommendation to the Commission regarding this
16 company?

17 A. I recommend that the Commission not cancel
18 the company's permit at this time.

19 Q. Was one of the companies referred to you
20 Chelan Transfer Company, Incorporated?

21 A. Yes.

22 Q. Has Chelan Transfer Company file a 2006
23 annual report or paid the 2007 regulatory fee?

24 A. No.

25 Q. What is your recommendation to the Commission

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1 regarding Chelan Transfer Company?

2 A. I recommend that the Commission cancel the
3 company's permit.

4 MR. FASSIO: At this time, Your Honor, I have
5 no further questions for Ms. Hoyt. If it is helpful, I
6 can now summarize which companies' permits Staff
7 recommends be canceled and which companies' permits
8 Staff recommends not be canceled.

9 JUDGE RENDAHL: I think it's pretty clear. I
10 think the evidence is pretty clear that Todd Brenden,
11 or what we are calling Access Moving, is in compliance,
12 as is Bumblebee and Cascade, and Ms. Hoyt, have you had
13 any communications with Chelan aside from sending out
14 the Complaint?

15 THE WITNESS: I have not.

16 JUDGE RENDAHL: The process would be for me
17 to enter an initial order that would dismiss the three
18 parties who are in compliance and cancel Chelan
19 Transfer's permit. Now, the process for initial orders
20 is they would have 20 days to seek review with the
21 commissioners before the order would become final, so
22 if they do happen to contact you in the next 20 days --
23 they will be receiving a copy of the order when it goes
24 out, so if they happen to contact you and want to know
25 what their recourse is, if they happen to cure their

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1 problem before this becomes final, because the orders
2 don't really get canceled until there is a final order,
3 so if they call you with questions, you can advise them
4 that they can cure it before 20 days after the initial
5 order.

6 So I don't think I have any other questions
7 about the carriers. I appreciate all the information
8 and exhibits we have on the carriers, and I will work
9 to enter an initial order resolving this probably by
10 next week, maybe by the end of the week, depends on
11 what comes in my door. So is there any other
12 information that you think is appropriate to have on
13 the record at this point?

14 MR. FASSIO: There is nothing further, Your
15 Honor. Thank you.

16 JUDGE RENDAHL: With that, I believe this
17 hearing is adjourned, and thank you very much.

18 MR. FASSIO: Thank you.

19 (Hearing adjourned at 1:47 p.m.)

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