

Docket No. TV-200137 - Vol. I

In the Matter of: Let's Move It LLC

April 8, 2020



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the) DOCKET TV-200137
 Application of)
)
 LET'S MOVE IT LLC)
)
 For a Permit to Operate)
 as a Household Goods)
 Carrier)
)

TELEPHONIC BRIEF ADJUDICATIVE PROCEEDING, VOLUME I
 Pages 1-16
 ADMINISTRATIVE LAW JUDGE MICHAEL HOWARD

April 8, 2020
 9:30 a.m.

Washington Utilities and Transportation Commission
 621 Woodland Square Loop Southeast
 Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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APPEARANCES

ADMINISTRATIVE LAW JUDGE:

MICHAEL HOWARD

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FOR LET'S MOVE IT LLC:

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Auburn, Washington 98001
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letsmoveitllc19@gmail.com

ALSO PRESENT:

PATRICK REMFREY
Staff Witness

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1 LACEY, WASHINGTON; APRIL 8, 2020

2 9:30 A.M.

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

5
6 JUDGE HOWARD: Let's be on the record. Good
7 morning, everyone. Today is Wednesday, April 8th, 2020,
8 and the time is 9:30 a.m.

9 This is Docket TV-200137. This is a case by
10 whether the Commission should grant an exemption to its
11 regulations and grant an application for a household
12 goods moving permit. The notice of intent to deny
13 application states that Let's Move It did not contest
14 the Commission's cancellation of its permit for failure
15 to maintain insurance in order to seek reinstatement on
16 this permit within 30 days.

17 As such, the company is normally barred by
18 the terms of the Administrative Code 480-15-302,
19 Paragraph 11, from reapplying for authority for 12
20 months. The company in its reply is requesting an
21 exemption from that rule.

22 My name is Michael Howard, and I am the
23 administrative law judge presiding over today's brief
24 adjudicative proceeding.

25 Let's take appearances from both parties and

1 then we will have a roadmap of how we're going to
2 proceed this morning. Let's start with Commission
3 Staff.

4 MR. ROBERSON: Good morning, Judge Howard.
5 My name is Jeff Roberson, R-o-b-e-r-s-o-n. I'm an
6 assistant attorney general representing Staff. And with
7 me on the line is Patrick Remfrey who will be Staff's
8 witness in this matter.

9 JUDGE HOWARD: Thank you, Mr. Roberson.
10 And could we have an appearance for the
11 company?

12 MS. BEHREND: Kimberly Behrends,
13 B, as in boy, e-h-r-e-n-d-s.

14 JUDGE HOWARD: Thank you. And,
15 Ms. Behrends, could you give us your position with the
16 company and your address and telephone number and email
17 address just so we have those on the record?

18 MS. BEHREND: Absolutely. Owner/operator.
19 My address is 31229 - 55th Avenue South, Auburn,
20 Washington 98001. Phone number 425-299-0011. And
21 email, yes, I'm so sorry, is letsmoveitllc19@gmail.com.

22 JUDGE HOWARD: Thank you.

23 So since we are doing this over the phone, I
24 am going to ask the parties just be aware of background
25 noise that might be happening when they're on the line,

1 and that -- and if needed you mute -- mute your
2 microphone when you're not speaking. And I'm told that
3 you can do that by pressing star 6 and then star 6 to
4 unmute the line.

5 If you need to object or raise an issue and
6 I haven't called any at that particular moment, please
7 identify yourself when you are speaking for the court
8 reporter. And also, we should make an effort not to
9 talk over each other so the court reporter can make a
10 clear record of our hearing today.

11 I'll just briefly give a roadmap for today's
12 brief adjudication -- adjudicative proceeding. So I
13 have not received written exhibits from either party, so
14 I am expecting that we will potentially be taking
15 testimony today.

16 Commission Staff issued the intent to deny
17 the company's application, so I am going to ask Staff
18 present their case first. I will then allow
19 Ms. Behrends to testify and present her case, and we can
20 end the hearing by allowing each party to give a closing
21 statement, which is simply a chance to explain what
22 you're asking the Commission to do and why.

23 Are there any questions before we proceed?

24 MS. BEHREND: No questions here.

25 JUDGE HOWARD: Okay. Mr. Roberson, you may

EXAMINATION OF REMFREY / ROBERSON

1 proceed with your opening statement, if any, or simply
2 call your first witness.

3 MR. ROBERSON: At this point, Staff would
4 call Patrick Remfrey.

5 JUDGE HOWARD: Okay. Mr. Remfrey, we are
6 over the phone, but I will still swear you in.

7 (Patrick Remfrey sworn.)

8 JUDGE HOWARD: Thank you. You may be
9 seated.

10 Mr. Roberson, you can proceed.

11

EXAMINATION

12
13 BY MR. ROBERSON:

14 **Q. Good morning, Mr. Remfrey. Would you please**
15 **spell your name for the record?**

16 A. My name is Patrick Remfrey, P-a-t-r-i-c-k, last
17 name R-e-m, as in Michael, f, as in Frank, r-e-y.

18 **Q. Who is your employer?**

19 A. I'm employed by the Washington Utilities and
20 Transportation Commission and specifically I work in
21 licensing.

22 **Q. What is your specific position in licensing?**

23 A. I am a transportation specialist 3 and I handle
24 the regulated companies' applications, that would
25 include household goods orders.

EXAMINATION OF REMFREY / ROBERSON

1 **Q. How long have you worked for the Commission?**

2 A. I started on December 2nd, 2019, so about four
3 months, five months.

4 **Q. And have you had any training that would enable**
5 **you to carry out your duties?**

6 A. Yes, I've been trained on the process for all --
7 I've seen all the different regulated company
8 applications. By this point, household goods is by far
9 the most common that I deal with.

10 **Q. And so are you generally familiar with the**
11 **regulations governing applications?**

12 A. Yes.

13 **Q. Are you familiar with Let's Move It's**
14 **application for household goods moving authority?**

15 A. Yes. When Let's Move It was initially permitted
16 in December, that was actually the first application
17 that I -- I worked on, I mean, with guidance from
18 different Staff in training, but that was the first one
19 that I ever approved.

20 **Q. And you're familiar with the Commission's notice**
21 **of intent to deny the reinstatement of the company's**
22 **permit?**

23 A. Yes, I helped write that -- that notice.

24 **Q. And you're also familiar with Let's Move It's**
25 **request for an exemption from WAC 480-15-302(11)?**

EXAMINATION OF REMFREY / ROBERSON

1 A. Yes.

2 **Q. So does Staff oppose the company's request for**
3 **an exemption?**

4 A. No, Staff does not oppose their request for
5 exemption. When we identified that it had been 44 days
6 since the permit was cancelled from -- let's see,
7 cancelled on I believe it was January 16th, and then we
8 received the application on February 28th, when we
9 identified that, we wanted to be able to approve the
10 application; however, by the law, we had to deny
11 following the WAC to bring it to this point to be -- you
12 know, to take through the exemption request the proper
13 way through the law to be able to permit them.

14 **Q. Sorry.**

15 **So Staff has no concerns about the company's**
16 **fitness or anything to operate?**

17 A. No, no concerns about the company's fitness to
18 operate. It appears just from -- from what I could tell
19 that the initial insurance policy was a pretty short
20 one, just to get operating, and it is a rough time to be
21 trying to run a moving business and to start up
22 throughout the winter. And so it's not surprising that
23 it took a little while to be able to find another
24 insurer when the first policy cancelled, and I think had
25 we been -- made it more clear that she must reapply

EXAMINATION OF REMFREY / ROBERSON

1 within 30 days, or made it clear at all, that it
2 wouldn't have taken 44. But that's just the way it
3 went.

4 **Q. Fair enough.**

5 **And Staff has no indication that the company is**
6 **otherwise violating the public service laws by operating**
7 **without a permit or anything like that, correct?**

8 A. Correct. We haven't heard any -- any word that
9 the company was operating in the time between January
10 16th and today, at least moving household goods. She is
11 permitted to perform general commodities moves. That --
12 anything in that interest if that permit was approved
13 would have been legal.

14 **Q. And there have been no issues with Let's Move**
15 **It's common carrier authority?**

16 A. No, there were no issues. The insurance
17 required to do common carrier is the same as what she
18 needed to have for household goods, actually a little
19 less requirements needed. But she had -- her policy was
20 more than what was necessary, so we were able to approve
21 that permit with no issues.

22 MR. ROBERSON: I have no further questions
23 for Mr. Remfrey.

24 JUDGE HOWARD: Thank you.

25 Ms. Behrends, do you -- do you have any

1 questions for Mr. Remfrey?

2 MS. BEHREND'S: No, he's actually been very
3 helpful through email as well as Suzanne and Mr. Dotson.
4 So I don't have any questions at this time.

5 JUDGE HOWARD: Okay, great.

6 So, Mr. Roberson, as I understand, is that
7 your -- your sole witness you intended to present?

8 MR. ROBERSON: It is indeed.

9 JUDGE HOWARD: Okay. I will give you an
10 opportunity to do an oral closing statement later, but
11 would that be the conclusion of Staff's case?

12 MR. ROBERSON: It is.

13 JUDGE HOWARD: Okay. So, Ms. Behrends,
14 turning to your case, do you have any witnesses other
15 than yourself today?

16 MS. BEHREND'S: No, I do not.

17 JUDGE HOWARD: Okay. So if you'd like to
18 make an opening statement, you may do so or you may
19 proceed to testify in support of your case.

20 MS. BEHREND'S: We can proceed to testify.

21 JUDGE HOWARD: Okay. I will -- I will just
22 briefly swear you in here.

23 (Kimberly Behrends sworn.)

24 JUDGE HOWARD: Thank you. You may be
25 seated, and you may proceed to testify.

1 MS. BEHREND'S: I don't have a lot to add. I
2 didn't know that they would give that much information
3 on top of what I had written for myself. Basically,
4 I -- this is my first business that I have ever owned,
5 so it's obviously without mistake. I basically just did
6 things in the opposite order than I should have. I
7 applied for the UTC permit application first instead of
8 getting insurance first, which Mr. Dotson allowed me to
9 do without the proper insurance at first.

10 I didn't book any business, advertise
11 business, or complete any jobs during this entire
12 process while I was without insurance or without permit.
13 I simply just -- the -- the insurance was twice the
14 amount that I expected it to be. It took me a little
15 bit of time to get my hands on that money. And through
16 a couple of email chains that I had with Eric Villar,
17 it's not his responsibility to tell me about the 30-day
18 reinstatement process, but I was unaware of it. I
19 should have looked into it further. I was 11 days late.
20 And that's -- that's ultimately all it was.

21 JUDGE HOWARD: Okay. Just a moment.

22 MS. BEHREND'S: Okay.

23 JUDGE HOWARD: Okay. Well, would you like
24 to offer any other statements for the moment?

25 MS. BEHREND'S: No. I had wrote out a whole

EXAMINATION OF BEHREND'S / ROBERSON

1 statement, but it's -- it's super long. It's
2 unnecessary. That's -- that's the -- basically
3 everything that has happened.

4 JUDGE HOWARD: Okay. Mr. Roberson, do you
5 have any questions for Ms. Behrends?

6 MR. ROBERSON: Just one.

7

8 EXAMINATION

9 BY MR. ROBERSON:

10 **Q. So, Ms. Behrends, you now understand that it's**
11 **your obligation to understand and comply with the law?**

12 A. Oh, absolutely. This will not happen again.

13 **Q. And -- and you understand that you can call**
14 **Staff for technical assistance if you need help**
15 **understanding the regulations or statutes that govern**
16 **the household goods carriers?**

17 A. Absolutely. And you guys have always been
18 really helpful. I have -- I have four different people
19 at the UTC office that I stay in contact with.

20 MR. ROBERSON: I have no further questions,
21 Judge Howard.

22 JUDGE HOWARD: Okay. Well, Ms. Behrends,
23 since -- since you were briefly asked some questions
24 from Mr. Roberson, would you like to respond in any way?

25 MS. BEHREND'S: No, sir.

1 JUDGE HOWARD: Okay. Well, I think our
2 hearing today is going to be pretty short. I'd like to
3 thank you all for your testimony today, and I will take
4 this all under advisement and issue an order soon.

5 Before we adjourn, I'd like to ask the
6 parties waive the requirement to issue an order in ten
7 days because I'd like to have the transcript available
8 to me when I'm writing my decision, and that normally
9 takes seven to ten days. So I would anticipate I'd
10 issue an order within five business days from the date
11 the transcript is received at the latest. Does either
12 party have an objection to waiving that ten-day
13 requirement?

14 MR. ROBERSON: Staff has no objection.

15 JUDGE HOWARD: Thank you.

16 And I think, Ms. Behrends, did you respond
17 too?

18 MS. BEHREND: No objection.

19 JUDGE HOWARD: Okay. Thank you.

20 Does either party have anything further
21 before we go off the record?

22 MS. BEHREND: No, sir.

23 MR. ROBERSON: Not from Staff.

24 JUDGE HOWARD: Okay. Thank you all for
25 appearing today for our telephonic hearing, and we are

1 off the record. Thank you.

2 MS. BEHREND: Thank you, sir.

3 (Adjourned at 9:44 a.m.)

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CERTIFICATE

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, CCR 3358