

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

CLUTTER, INC.

Respondent.

DOCKET TV-200432

ORDER 02

PREHEARING CONFERENCE  
ORDER; NOTICE OF HEARING  
**(Evidentiary Hearing set for July  
26, 2021, at 10 a.m.)**

**BACKGROUND**

- 1 **PROCEDURAL HISTORY.** On March 25, 2021, the Washington Utilities and Transportation Commission (Commission) issued a Complaint Seeking to Impose Penalties; Notice of Prehearing Conference set for Tuesday, May 4, 2021, at 9:30 a.m. The Complaint alleges that Clutter, Inc., (Clutter or Company): (1) violated Washington Administrative Code (WAC) 480-15-490 and Tariff 15-C, Item 230(6) a total of 93 times by charging customers less than the minimum tariffed rate and/or failing to disclose the minimum tariff rate charged on the bill of lading; (2) violated WAC 480-15-490 and Tariff 15-C, Item 230(7), a total of 33 times by failing to charge customers the required minimum hours for weekday moves, weekend moves, and moves conducted on state-recognized holidays; (3) violated WAC 480-15-710 and Tariff 15-C, Item 95, a total of 98 times by either failing to issue or failing to properly complete bills of lading; (4) violated WAC 480-15-630 and Tariff 15-C, Items 85 and/or 230, a total of 98 times by failing to properly complete written estimates; and (5) violated WAC 480-15-490 and Tariff 15-C, Item 102, a total of 68 times for failure to properly follow goods limitations for small goods transportation and storage moves.
- 2 Commission staff (Staff) requests the Commission assess penalties of (1) up to \$100 for each violation of WAC 480-15-490 and Tariff 15-C, Items 230(6), 230(7), and 102, and (2) up to \$500 for each violation of WAC 480-710 and Tariff 15-C, Item 95, and for each violation of WAC 480-15-630 and Tariff 15-C, Item 102.

3 **CONFERENCE.** The Commission convened a virtual prehearing conference in this  
docket on May 4, 2021, before Administrative Law Judge Rayne Pearson.

4 **APPEARANCES.** Chad Stokes, Cable Huston LLP, Portland, Oregon, represents  
Clutter. Daniel Teimouri and Joe Dallas, Assistant Attorneys General, represent Staff.  
Nina Suetake, Assistant Attorney General, represents the Public Counsel Unit of the  
Attorney General's Office (Public Counsel).

5 **PETITIONS TO INTERVENE.** No person or party sought to intervene in this  
proceeding.

6 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery  
rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively  
together to avoid having to bring discovery matters forward for formal resolution.  
Response times to data requests are reflected in Appendix B to this Order.

7 The Commission believes it will aid discovery in this case if all responses to data  
requests are shared with all parties. No party objects to the Commission making the  
exchange of data request responses with all parties a requirement for discovery in this  
case. Accordingly, the Commission requires the parties to share every data request  
response with all parties.

8 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at  
the prehearing conference. The Commission adopts the parties' procedural schedule,  
which is attached to this Order as Appendix B.

9 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and  
serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all  
of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing  
deadline established in the procedural schedule (or other deadline as  
applicable) unless the Commission orders otherwise. Parties must comply  
with WAC 480-07-140(6) in formatting, organizing, and identifying electronic  
files. Parties must submit documents electronically through the Commission's  
web portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)). If a party is unable to use the web  
portal to submit documents for filing, the Commission will accept a

submission via email to [records@utc.wa.gov](mailto:records@utc.wa.gov) provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).

(b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to [records@utc.wa.gov](mailto:records@utc.wa.gov), provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).

(c) In light of the COVID-19 pandemic, the Commission is suspending requirements for paper filings in this case.

(d) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge ([rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov)) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

10 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on July 15, 2021**. The Commission requires electronic copies (in searchable Adobe Acrobat (.pdf)). The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.

11 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. The Company will prepare and file its preliminary exhibit list for its initial filing in this docket. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits, by **5 p.m., July 15, 2021**.

12 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to

the administrative law judge ([rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov)) and the other parties by **5 p.m., July 15, 2021.**

- 13 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a virtual evidentiary hearing in this docket on **July 26, 2021, at 10 a.m.** To participate by phone, please call (253) 372-2181 and enter conference ID 119 237 369#. To participate via Microsoft Teams, please use the following link: [Click here to join the meeting.](#)
- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

DATED at Lacey, Washington, and effective May 5, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Administrative Law Judge

**APPENDIX A  
PARTIES' REPRESENTATIVES  
DOCKET TV-200432**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>E-MAIL</b>
Clutter, Inc.	Chad Stokes Cable Huston LLP 1455 SW Broadway, Suite 1500 Portland, OR 97201	(503) 224-3092	<a href="mailto:cstokes@cablehuston.com">cstokes@cablehuston.com</a>
Commission Staff	Daniel Teimouri Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 664-1189	<a href="mailto:daniel.teimouri@utc.wa.gov">daniel.teimouri@utc.wa.gov</a>
	Joe Dallas Assistant Attorney General	(360) 664-2819	<a href="mailto:joe.dallas@utc.wa.gov">joe.dallas@utc.wa.gov</a>
Public Counsel	Nina Suetake Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 389-2055	<a href="mailto:ninas@atg.wa.gov">ninas@atg.wa.gov</a>

**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET TV-200432**

<b>EVENT</b>	<b>DATE</b>
Prehearing Conference	<b>May 4, 2021</b>
Initial Settlement Conference	<b>May 13, 2021</b>
Second Settlement Conference	<b>June 8, 2021</b>
Discovery Deadline – Last Day to Issue Data Requests <sup>1</sup>	<b>July 1, 2021</b>
Exhibit List, Cross-Examination Exhibits, Witness Lists, and Time Estimates	<b>July 15, 2021</b>
Evidentiary Hearing	<b>July 26, 2021, at 10 a.m.</b>
Simultaneous Post-Hearing Briefs (if needed)	<b>August 18, 2021</b>

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<sup>1</sup> Response time to data requests will be 7 business days.