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6

BETTY YOUNG

7

by Ms. Cameron-Rulkowski

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

2 JUDGE MACE: Let's be on the record in the  
3 matter of the penalty assessment against Advance  
4 Relocation Expert, LLC, d/b/a A.R.E. in the amount of  
5 \$2,100. This is Docket TV-051608. This is the date  
6 and time the Commission has established for a hearing  
7 on this matter, and let me just indicate we are meeting  
8 at the offices of the Washington Utilities and  
9 Transportation Commission in Olympia, Washington. My  
10 name is Theodora Mace. I'm the administrative law  
11 judge who has been assigned to hold the hearing in this  
12 case. For the record, also, the date is December 19th,  
13 2005.

14 I would like to have the oral appearances of  
15 the parties now, and I'll begin with Staff, and I need  
16 to have your name, who you represent, address, phone  
17 number, fax, and e-mail, so go ahead,  
18 Ms. Cameron-Rulkowski.

19 MS. CAMERON-RULKOWSKI: My name is Jennifer  
20 Cameron-Rulkowski. The last name is C-a-m-e-r-o-n,  
21 hyphen, R-u-l-k-o-w-s-k-i. I'm representing Commission  
22 staff. The address is 1400 South Evergreen Park Drive  
23 Southwest, Post Office Box 40128, Olympia, Washington,  
24 98504. The phone number is area code (360) 664-1186.  
25 Fax is area code (360) 586-5522. E-mail is

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1 jcameron@wutc.wa.gov.

2 JUDGE MACE: Mr. Thompson?

3 MR. THOMPSON: My name is Austine Thompson.

4 I represent Advanced Relocation. Phone number is (206)

5 391-0204. Fax number is (206) 242-0414, and the

6 address is 17800 Des Moines Memorial Drive, and that's

7 in Burien, Washington, 98148, and my e-mail address is

8 austinethompson@hotmail.com.

9 JUDGE MACE: Let's go ahead now and have

10 Staff present its case so that we can begin the

11 hearing.

12 MS. CAMERON-RULKOWSKI: I wanted to address a

13 preliminary matter, and that is the exhibits. Two of

14 the exhibits consist of the first and second audit

15 reports of Commission staff, and those were attached to

16 Staff's response to the Company's application for

17 mitigation, and I am considering that they were already

18 part of the record, if I could have that confirmed.

19 JUDGE MACE: I will take that under

20 consideration by this order.

21 MS. CAMERON-RULKOWSKI: Thank you, Your

22 Honor. Then one more note about the exhibits, and that

23 is that for clarity sake, I have repeated some of the

24 individual bills of lading in the different exhibits so

25 that it's clear which issue we are looking at.

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1           We want to address the five items listed in  
2 the Penalty Assessment in order, and before I call the  
3 witness, I wanted to go ahead and list the topics, and  
4 the first one is conducting business under the permit  
5 name. The second is including a remarks section on the  
6 nonbinding estimate form. The third topic is filling  
7 in a consigning name on the bill of lading. Fourth is  
8 charging in accordance with the tariff. The fifth is  
9 filling in origin or designation or additional shipment  
10 addresses on the bill of lading.

11           At this time I would like to call Betty  
12 Young.

13           JUDGE MACE: Please stand and raise your  
14 right hand.

15           (Witness sworn.)

16

17

18                           DIRECT EXAMINATION

19 BY MS. CAMERON-RULKOWSKI:

20       Q.     Good morning.

21       A.     Good morning.

22       Q.     Would you please state your name and spell  
23 your last name?

24       A.     My name is Betty Young, Y-o-u-n-g.

25       Q.     Who is your employer?

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1           A.     I'm employed by the Washington Utilities and  
2 Transportation Commission.

3           Q.     What is your position with the Commission?

4           A.     I'm a compliance specialist with the business  
5 practices investigation section. I've been employed at  
6 the Commission for about six years in different  
7 positions.

8           Q.     Would you please describe your duties as they  
9 relate to this case?

10          A.     Yes. As a compliance specialist, my  
11 responsibilities include conducting investigations  
12 regarding the business practices of regulated utility  
13 and transportation companies. As a part of those  
14 duties, I investigate regulated household goods  
15 carriers that may be operating in violation of  
16 Commission statutes, rules, or tariffs.

17          Q.     Are you familiar with Advance Relocation  
18 Expert, LLC, doing business as A.R.E.?

19          A.     Yes.

20          Q.     Would you please describe how you are  
21 familiar with Advance Relocation Expert?

22          A.     Yes. I conducted two audits of Advance  
23 Relocation's business practices. My initial audit  
24 resulted in a staff report entitled "Business Practices  
25 Audit Report of Advanced Relocation Expert, LLC, doing

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1 business as A.R.E., formerly known as Northwest  
2 Relocating Systems, LLC," and that was in February of  
3 2005.

4 My second audit resulted in a staff report  
5 titled "2005 Post-Audit Review of the Business  
6 Practices of Advanced Relocation Expert, LLC, doing  
7 business as A.R.E.," and that was in October of 2005.

8 Q. Thank you. Would you please describe the  
9 process of auditing Advanced Relocation Expert?

10 A. Yes. Initially, business practices as a  
11 section reviews information received about household  
12 goods carriers through informal consumer complaints  
13 received in the Commission's consumer affairs section.  
14 We determine which carriers appear to have higher  
15 complaint volumes or alleged violation totals or  
16 apparent compliance problems, and we schedule those  
17 carriers for audit.

18 This is how Advanced Relocation's audit  
19 began. There were several complaints, so business  
20 practices scheduled the Company for an audit. Our  
21 first step was to contact Advance Relocation and  
22 request specific documents, such as copies of bills of  
23 lading -- that's something we are going to refer to a  
24 lot -- estimates, supplemental estimates, etcetera.

25 This audit was initiated by Dennis Shutler,

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1 S-h-u-t-l-e-r, who was a former employee of the  
2 business practices section. He's now working in a  
3 different part of the Commission. I took over the  
4 audit when Mr. Shutler left the office.

5           So then I reviewed the documents for areas of  
6 noncompliance with the statute and the rules or with  
7 the tariff and provided Advanced Relocation with  
8 technical assistance in the form of the first audit  
9 report. The audit report walks the company through  
10 each violation and provides the text of the statute or  
11 rules so that the company can correct its practices.  
12 If the company has questions, I discuss the report with  
13 them and provide additional information as needed.

14           In this instance, there were exchanges of  
15 information in writing following the delivery of the  
16 first audit report. During the course of the exchange,  
17 I provided additional technical assistance to Advanced  
18 Relocation. Once the Company received the audit  
19 report, they were required to provide the Commission  
20 with a compliance plan describing how and by when they  
21 plan to come into compliance with the areas identified  
22 in the report.

23           Advanced Relocation submitted a compliance  
24 plan in March of 2005. Several months later, I began a  
25 second audit to make sure that Advanced Relocation had

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1 followed its compliance plan and corrected its  
2 practices. I requested a second set of documents from  
3 the Company that included bills of lading, estimates,  
4 etcetera. I reviewed these documents and prepared the  
5 second audit report. In cases where Advanced  
6 Relocation had continued to violate the same rules as  
7 identified in the initial audit, I recommended the  
8 Commission issue penalties.

9 Q. Now I'm going to address each of the five  
10 areas of penalty assessment. Regarding the requirement  
11 that a household goods carrier conduct operations under  
12 the name on its household goods permit, what rules or  
13 regulations has Advance Relocation allegedly violated?

14 A. WAC 480-15-390, Subsection 1, which requires  
15 household goods carriers to conduct operations under  
16 the name shown on its permit.

17 Q. Would you please turn to the first exhibit  
18 and identify that document?

19 A. (Witness complies.) This is a copy of  
20 Advance Relocation's household goods carrier permit.

21 Q. What company name is listed there?

22 A. It's listed as "Advance Relocation Expert,  
23 LLC, doing business as A.R.E."

24 Q. To your knowledge, is the Company conducting  
25 business in the name on its permit?

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1 A. No.

2 Q. What is that knowledge based on?

3 A. The Company submitted documents to me during  
4 the second audit and the first audit reports that  
5 indicate the name as "Advanced Relocation Experts."

6 Q. Thank you. Would you please turn to the  
7 second exhibit and identify that document, or those  
8 documents?

9 A. (Witness complies.) These are copies of  
10 Advanced Relocation's letterhead and blank forms.

11 Q. How did you obtain these documents?

12 A. During the second audit, I requested various  
13 documents from Advanced Relocation including the letter  
14 head and estimate forms.

15 Q. Are the documents in the exhibit true and  
16 accurate copies of the documents you received from the  
17 Company?

18 A. Yes.

19 Q. Please turn to the letterhead. That's Page 1  
20 of the exhibit. What company name appears there?

21 A. It's listed as "Advanced Relocation Experts."

22 Q. Please turn to the nonbinding estimate form.  
23 It's the second page of the exhibit. What company name  
24 appears there?

25 A. It's "Advanced Relocation Experts."

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1 Q. Please turn to the binding estimate form, the  
2 third page of the exhibit. What company name appears  
3 there?

4 A. Also "Advanced Relocation Experts."

5 Q. Please turn to the supplemental estimate  
6 form, the fourth page of the exhibit. What company  
7 name appears there?

8 A. Again, it's "Advanced Relocation Experts."

9 Q. Please turn to the bill of lading form, the  
10 fifth page of the exhibit. What company name appears  
11 there?

12 A. Again, it's "Advanced Relocation Experts."

13 Q. Thank you.

14 MS. CAMERON-RULKOWSKI: At this time, I would  
15 like to move for the admission of Exhibits No. 1 and 2.

16 JUDGE MACE: I would like to interject for a  
17 moment here if I may. Did you ever speak with  
18 Mr. Thompson to tell him specifically that although the  
19 name he is using, at least at the top of his forms,  
20 appears very close to the name that he shows on his  
21 certificate, that that was not acceptable?

22 MS. YOUNG: Yes, and I think we are going to  
23 get to that. We refer to it in both audit reports.

24 Q. (By Ms. Cameron-Rulkowski) When was the name  
25 disparity first communicated to Advanced Relocation?

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1           A.     During the initial audit period after I sent  
2     the audit report to Advanced Relocation, I provided  
3     additional technical assistance to the Company  
4     regarding the business name.  As a part of that, I sent  
5     a letter in March 2005 to the Company that explained  
6     this violation.

7           Q.     Would you please turn to the third exhibit  
8     and identify that document?

9           A.     (Witness complies.) This is the 2005  
10    post-audit review report of the business practices of  
11    Advance Relocation Expert, LLC, d/b/a A.R.E., and it's  
12    dated October, 2005.

13          Q.     Would you please turn to Appendix C?  That's  
14    at Page 42.  Would you identify the document?

15          A.     This is a copy of a letter I sent to Advanced  
16    Relocation on March 24th, 2005.

17          Q.     Would you please explain the context of the  
18    letter?

19          A.     Yes.  The letter was sent in response to some  
20    concerns that I had with Advanced Relocation's  
21    compliance plan, and I had issues with specific  
22    statements that the Company made in its compliance  
23    plan, so I was writing to respond to those and provide  
24    some additional information.

25          Q.     Would you please turn to Page 3 of the letter

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1 and read the paragraph that begins at the bottom and  
2 continues onto the next page?

3 A. Yes. It states: "Finally, the business name  
4 listed on the company's letterhead is Advance  
5 Relocation Experts. The business name listed on the  
6 company's bill of lading and estimate forms is Advanced  
7 Relocation Experts. Neither of these names matches the  
8 business name listed on the Company's household goods  
9 permit, which states Advance Relocation Expert, LLC.

10 WAC 480-15-390 requires you to conduct  
11 operations under the name shown on your household goods  
12 permit. Advanced Relocation must revise its  
13 letterhead, forms, advertisements, etcetera, to reflect  
14 the name listed on its household goods permit."

15 MS. CAMERON-RULKOWSKI: At this time, I would  
16 like to move for the admission of Exhibit 3.

17 JUDGE MACE: Any objections to the admission  
18 of the proposed exhibit? I have to ask you at this  
19 point because counsel has offered the exhibit whether  
20 or not you have an objection to it.

21 MR. THOMPSON: On the issue of the name thing  
22 with Advanced --

23 JUDGE MACE: You will have a chance to talk  
24 to me about this issue. What I'm really asking you  
25 right now is in terms of the documentation itself, do

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1 you have any objection to it, whether it's unauthentic  
2 or --

3 MR. THOMPSON: It's very correct.

4 JUDGE MACE: So I will admit Exhibit 3, then  
5 and you will have an opportunity to state your position  
6 on the name issue. Don't worry about that.

7 MS. CAMERON-RULKOWSKI: Judge Mace, are  
8 Exhibits No. 1 and 2 admitted?

9 JUDGE MACE: Are you offering them into the  
10 record?

11 MS. CAMERON-RULKOWSKI: I have.

12 JUDGE MACE: Is there any objection to the  
13 admission of 1 and 2?

14 MR. THOMPSON: No.

15 MS. CAMERON-RULKOWSKI: Thank you.

16 JUDGE MACE: I'm going to actually ask at the  
17 end of your testimony whether the remaining exhibits  
18 could be admitted and I could admit them all at once.  
19 Then we don't miss any.

20 MS. CAMERON-RULKOWSKI: I will be happy to do  
21 that.

22 Q. (By Ms. Cameron-Rulkowski) Regarding the  
23 requirement that estimate forms contain a remarks  
24 section, what rules or regulations has Advanced  
25 Relocation allegedly violated?

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1           A.     WAC, Washington Administrative Code,  
2     480-15-490, Subsection 5, which requires household  
3     goods carriers to comply with the tariff, and within  
4     Tariff 15(a), Item 85, Subsection 7(e)(x), which  
5     requires a remarks section on the estimate forms.

6           Q.     Would you please turn to the fourth exhibit  
7     and identify the document?

8           A.     This is a copy of Advanced Relocation's  
9     nonbinding estimate form that I received from the  
10    Company during the second audit.

11          Q.     Thank you. Can you briefly explain what a  
12    nonbinding estimate form is and how it's different from  
13    a binding estimate form?

14          A.     Another WAC, 480-15-630, estimate, describes  
15    the two types of written estimates, and a household  
16    goods carrier may provide binding and nonbinding. A  
17    nonbinding estimate provides the customer with a  
18    pricing guideline, but the final charges may be higher  
19    or lower than the estimated cost.

20                 A binding estimate allows the customer to  
21    know in advance what the move will cost regardless of  
22    differences in the weight of the goods or how long the  
23    move takes.

24          Q.     How did you obtain this estimate form?

25          A.     Advanced Relocation's nonbinding estimate

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1 form did not contain the required section for remarks  
2 during the initial audit, and the Company was informed  
3 of this. So at the start of the follow-up audit, I  
4 requested a copy of the nonbinding estimate form to see  
5 whether the Company had added a remarks section. I  
6 received a copy of the form from Advanced Relocation  
7 for that second audit.

8 Q. Is the document in the exhibit a true and  
9 accurate copy of the nonbinding estimates you received  
10 from the Company?

11 A. Yes.

12 Q. Is there a section labeled "remarks"?

13 A. No.

14 Q. Thank you. Would you please turn to the  
15 fifth exhibit and identify that exhibit?

16 A. Yes. This is a copy of the first audit  
17 report which was titled, "business practices audit  
18 report of Advance Relocation Expert, LLC, doing  
19 business as A.R.E. formerly known as Northwest  
20 Relocating Systems, LLC," dated February, 2005.

21 Q. Would you please turn to Page 9?

22 A. (Witness complies.)

23 Q. Would you please read from the header,  
24 "remarks section," to the bottom of the page?

25 A. Yes. It states, "Remarks section: Item 85,

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1 Subsection 7(e)(x), requires a remarks section on the  
2 written estimate. Companies use this area for special  
3 instructions or agreements between the carrier and the  
4 customer. Findings: The Company is not in compliance.  
5 Advanced Relocation's written estimate form does not  
6 include a remarks section. Recommendations: Advanced  
7 Relocation must revise the written estimate form to  
8 include the required section for remarks."

9 Q. Thank you. Now, would you please refer back  
10 to the second audit report, which is Exhibit 3?

11 A. (Witness complies.)

12 Q. I'm going to ask you to look at several of  
13 the appendices, and for the convenience of those of us  
14 who do not have tabs and a bound version, I'll refer to  
15 page numbers. Please turn to Appendix B which starts  
16 at Page 38.

17 A. (Witness complies.)

18 Q. Would you please identify this document?

19 A. This is Advanced Relocation's compliance  
20 plan.

21 Q. Please read Item 2.

22 A. Item 2 states: "Advanced Relocation must  
23 revise the written estimate form to include the  
24 required section for remarks. Response: Advanced  
25 Relocation has reviewed the copy of the estimate sheet

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1 and found no errors on our part. A copy of our  
2 estimate sheet is included in this reply for review,  
3 and if any errors are found, please make note and we  
4 will reprint if we have to."

5 Q. Now please turn to your technical assistance  
6 letter of March 24, 2005, Appendix C, which begins on  
7 Page 42.

8 A. (Witness complies.)

9 Q. On Page 43, please read the Staff's response  
10 to Advanced Relocation's compliance plan statement  
11 regarding the remarks section.

12 A. It says, "Staff response: The estimate sheet  
13 provided with the response does not contain the  
14 required section for remarks. Advanced Relocation must  
15 revise the written estimate form to include this  
16 section. This requirement is not unique to Advanced  
17 Relocation. All carriers must include this section on  
18 their written estimate forms."

19 Q. Thank you. Now please turn to Appendix D at  
20 Page 46. Would you please identify that document?

21 A. This is a letter sent by Advanced Relocation  
22 to the Commission and received on March 29, 2005.

23 Q. Thank you. Now please read item one.

24 A. Item 1 states: "Advanced Relocation has  
25 reviewed Tariff 15(a), Item 8(a) and found the error

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1 and promises to reprint, but as the Commission can  
2 observe that this is one of the slowest winter in  
3 history. We are barely surviving. We will appreciate  
4 if the Commission can give us time to make the  
5 revenue -- May '05.

6 Q. Now please turn to Appendix E on Page 49.

7 A. (Witness complies.)

8 Q. Would you please identify this document?

9 A. This is a letter that I sent to Advanced  
10 Relocation on March 29th, 2005, confirming the deadline  
11 from the Company's previous letter.

12 Q. Would you please read the first sentence in  
13 the second paragraph beginning, "Based on your  
14 letter...?"

15 A. Yes. It states: "Based on your letter, I  
16 will update Advanced Relocation's compliance plan file  
17 to indicate that the Company estimates it will revise  
18 its written estimates form and address company name  
19 discrepancies by May of 2005."

20 Q. Thank you. Moving onto the requirement that  
21 the consigning name be listed on the bill of lading,  
22 what rules or regulations has Advanced Relocation  
23 allegedly violated?

24 A. The rule is WAC 480-15-490, Subsection 5,  
25 which requires household goods carriers to comply with

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1 the tariff, and Tariff 15(a), Item 95, Subsection 2(c),  
2 which requires a consignee's name on the bill of  
3 lading.

4 Q. Would you now please turn to the sixth  
5 exhibit?

6 A. (Witness complies.)

7 Q. Would you please identify Exhibit No. 6?

8 A. Yes. These are copies of Advanced  
9 Relocation's bills of lading that I received from the  
10 Company during the second audit.

11 Q. How many bills of lading are present?

12 A. I believe there are eight.

13 Q. How did you obtain the bills of lading?

14 A. Again, this issue came up in the first audit.  
15 Advanced Relocation was informed that the consignee's  
16 name is required on bills of lading, so at the start of  
17 the follow-up audit, I requested copies of bills of  
18 lading from June 1st through July 31st, 2005, to check  
19 whether they were filled out according to the rules and  
20 tariffs.

21 In response to the request, I received copies  
22 of bills of lading from Advance Relocation.

23 Q. Are the documents in Exhibit 6 true and  
24 accurate copies of the documents that you received from  
25 the Company?

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1 A. Yes.

2 Q. Let's turn to the first bill of lading.

3 JUDGE MACE: I just want to say you don't  
4 need to go through every one of these if they each  
5 accomplish the same purpose, just to conserve time.

6 MS. CAMERON-RULKOWSKI: Thank you. Then they  
7 fall into two groups.

8 Q. (By Ms. Cameron-Rulkowski) Looking at the  
9 preprinted form, could you explain who the consignee  
10 is?

11 A. The consignee is considered to be the person  
12 who accepts the goods at the delivery point, and the  
13 field on the right side of Advanced Relocation's bill  
14 of lading, and you can hardly see it because it's  
15 shaded, but there is a word that says "two," and right  
16 below that it says "customer name."

17 Q. Does anything appear in the "consignee name"  
18 field or the "customer name" field?

19 A. On this particular one, it says the word  
20 "same."

21 Q. Let's turn to the second bill of lading,  
22 Page 2. Does anything appear under "consignee name"  
23 field or "customer name"?

24 A. No.

25 Q. If you could turn to the third, fourth,

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1 fifth, sixth, and seventh pages and summarize what  
2 appears in the "customer name" field.

3 A. Several of the bills of lading list the word  
4 "same," and some contain no name at all in the  
5 "consignee field."

6 Q. Thank you. Regarding the requirement that  
7 the bill of lading reflect a full description of  
8 allowable charges, what rules and regulations has  
9 Advanced Relocation allegedly violated?

10 A. Again, this is WAC 480-15-490, Subsection 5,  
11 which requires household goods carrier to comply with  
12 the tariff, and Tariff 15(a), Item 95(2)(k), which  
13 requires that bills of lading must include the amount  
14 and type of any charges listed.

15 Item 95, Subsection 2(1), which requires that  
16 each accessorial service performed must be charged as a  
17 separate line item, and Item 90, Subsection 5(a), which  
18 provides that there is no additional cost to the  
19 customer for basic value protection.

20 Q. Would you please turn to the seventh exhibit?  
21 Would you please identify that exhibit?

22 A. These are copies of bills of lading that I  
23 received from Advanced Relocation during the second  
24 audit.

25 Q. How many bills of lading are present?

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1 A. There are seven.

2 Q. How did you obtain the bills of lading?

3 A. Again, this is an issue that came up in the  
4 first audit, and Advanced Relocation was informed at  
5 that time that it must list the amounts and type of any  
6 charges assessed and fully describe those charges, so I  
7 requested documents during the second audit for a  
8 specific period of time to check whether these  
9 documents were filled out according to the rules in the  
10 tariff, and in response to the request, I received  
11 these bills of lading from Advance Relocation.

12 Q. Are the documents in the exhibit true and  
13 accurate copies of the documents you received from the  
14 Company?

15 A. Yes.

16 Q. Let's turn to the first bill of lading. In  
17 the section "details of packing and packing materials,"  
18 are there any items there that in your consideration  
19 take this bill of lading out of compliance?

20 A. Yes. There is a charge in the "details of  
21 packing and packing materials" section labeled, "truck  
22 for \$120."

23 Q. Can you explain why you consider this charge  
24 to be noncompliant?

25 A. The tariff did not provide for such a charge.

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1 Q. Are there any other items in this bill of  
2 lading that you consider to be out of compliance?

3 A. There is another charge in the "packing and  
4 packing materials" section that says "surcharge for  
5 \$21."

6 Q. Can you explain why you consider this charge  
7 to be out of compliance?

8 A. The source of the surcharge isn't identified,  
9 so we can't tell if it's an allowable charge, but the  
10 tariff contains prices for packing materials, but there  
11 is no provision in the tariff for a separate surcharge  
12 for those packing materials.

13 Q. Thank you. Could you please turn to the  
14 second bill of lading?

15 A. Yes.

16 Q. Could you tell us what is listed in the field  
17 "transportation valuation charges"?

18 A. Yes. There is a dollar amount of \$20.33.

19 Q. Is that charge allowed under the tariff?

20 A. No.

21 Q. Can you explain why this charge is  
22 noncompliant?

23 A. The customer had selected basic value  
24 protection option, which is a valuation option they can  
25 select, and there is no charge for that option, and so

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1 there should be no transportation valuation charges.

2 Q. Thank you. Could you look at the remaining  
3 bills of lading and summarize?

4 A. Yes. The remaining bills of lading, it's the  
5 same situation in each one of these. The customer  
6 selected the basic value protection for which there is  
7 no charge, and yet there is a dollar amount in each one  
8 of the bills of lading written in the "transportation  
9 valuation charges" section.

10 Q. Would you please refer to the first audit  
11 report? That's Exhibit No. 3.

12 A. (Witness complies.)

13 Q. And I will have you please turn to Page 14.  
14 Would you please read Paragraphs 1 and 2?

15 A. Yes. The first paragraph states, "On six of  
16 the 14 bills of lading, the Company listed charges of  
17 various amounts and identified these charges as S  
18 charge, S.CH., S.CHG., or SWC. In five of these six  
19 bills of lading, the Company listed these charges in  
20 the section of the bill of lading entitled "details of  
21 packing and packing materials."

22 JUDGE MACE: I need to interrupt you. Where  
23 are you?

24 MS. CAMERON-RULKOWSKI: This is Exhibit  
25 No. 5. I misspoke. It's the first audit report.

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1 JUDGE MACE: And it was Page 14?

2 MS. CAMERON-RULKOWSKI: Yes. I apologize.

3 JUDGE MACE: Go ahead.

4 THE WITNESS: "Staff is unable to determine  
5 what the charges are for as the Company did not fully  
6 describe the charges on the bill of lading.

7 The second paragraph states: "On four of the  
8 14 bills of lading, the Company listed charges but  
9 provided no description of the charge. Staff is unable  
10 to determine what the charges are for as the Company  
11 did not describe the charges on the bills of lading.

12 Q. Thank you. Now please turn to the second  
13 audit report. This is Exhibit No. 3, and I'm going to  
14 ask you again to look at some of the appendices.

15 A. (Witness complies.)

16 Q. Could you please turn to Appendix B, Page 39,  
17 of the Company's compliance plan?

18 A. Yes.

19 Q. Would you please read Item 7?

20 A. Item 7 states: "Advanced Relocation must  
21 charge the rates and charges contained in the tariff  
22 unless the Commission approved deviation from the  
23 tariff. Response: Advanced Relocation has been  
24 charging according to the Commission's rates and tariff  
25 sheet. In the past, we have made mistakes, but since

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1 this review, we charge accurately for hourly-rated  
2 shipment plus the new fuel supplemental fuel surcharge,  
3 which is 2.50 percent. We should be within the  
4 Commission's compliance by the end of the second  
5 quarter, which is June '05."

6 Q. Thank you. Now please turn to your letter of  
7 March 24, 2005, Appendix C, beginning at Page 42, and  
8 then please turn to the bottom of the next page, Page  
9 43, in the section "staff recommendations" and read the  
10 bullet points starting with the third one.

11 A. The third bullet states: "Advanced  
12 Relocation on the bill of lading must charge the rates  
13 and charges contained in the tariff unless the  
14 Commission has approved deviation from the tariff."

15 Q. Now please turn to Page 44 and read the first  
16 four bullet points on the page.

17 A. They state: "Advanced Relocation on the bill  
18 of lading must list specific information necessary to  
19 bill the customer the correct rates and charges.  
20 Advanced Relocation on the bill of lading must list the  
21 amount and type of any charges assessed and must fully  
22 describe each charge. Advanced Relocation on the bill  
23 of lading must show each accessorial charge performed  
24 as a separate line item and the charge for that  
25 service. Advanced Relocation on the bill of lading

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1 must not charge for items such as sales tax, reschedule  
2 fees or extra pickups or deliveries."

3 Q. Finally, please turn to Appendix D on Page  
4 46.

5 A. (Witness complies.)

6 Q. Could you please identify this document?

7 A. This is Advanced Relocation's letter to the  
8 Commission received March 29th, 2005.

9 Q. Please read items four through six.

10 A. Item 4 states: "Advanced Relocation must  
11 charge the rate and charges contained in the tariff  
12 unless the Commission has approved deviation from the  
13 tariff. Response to audit recommendation of business  
14 practices for Advance Relocation Experts, response:  
15 Advance Relocation only charges for items that are  
16 listed in the tariff. The Company in the past has made  
17 mistakes by charging for shrink wrap and tape, but  
18 after notified by the Commission of the error, the  
19 Company has since then stopped charging for such items,  
20 so I will say the Company is full compliance on this  
21 issue as of date."

22 Number five states: "Advanced Relocation on  
23 the bill of lading must list specific information  
24 necessary to bill customers at correct rates and  
25 charges. Response: Advanced Relocation has always

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1 listed every information necessary to charge customers  
2 correctly, but we promise to make sure as of date to  
3 carefully go over the bill of lading for any possible  
4 errors and to be in full compliance by May of '05."

5           Number six states: "Advanced Relocation must  
6 on the bill of lading list every charge assessed to a  
7 customer. Response: Advanced Relocation will make  
8 sure as of date that any charges assessed to a customer  
9 is clear and understandable by the shipper."

10       Q.     Thank you. Now, regarding the requirement  
11 that the bill of lading list all addresses at which a  
12 shipment was loaded or unloaded, what rules and  
13 regulations has Advanced Relocation allegedly violated?

14       A.     This is WAC 480-15-740, Subsection 3, which  
15 requires household goods carriers to list on the bill  
16 of lading the exact address at which the shipment or  
17 any part of the shipment was loaded or unloaded, and  
18 Tariff 15(a), Item 95, Subsection 2(d), which requires  
19 that the exact location of the origin, any split  
20 pickups, stops to load or unload, and the final  
21 designation of the shipment be listed on the bill of  
22 lading."

23       Q.     Would you please turn to the eighth exhibit?  
24 Would you please identify that exhibit?

25       A.     This is a copy of an Advanced Relocation bill

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1 of lading that I received during the second audit.

2 Q. How did you obtain this bill of lading?

3 A. Again, this issue came up in the first audit.  
4 Advanced Relocation was informed of the requirement to  
5 list exact origin, designation, and additional stop  
6 addresses on bills of lading, so at the start of the  
7 second audit, I requested copies of bills of lading to  
8 check whether they were filled out according to the  
9 rules on the tariff, and I received this in response to  
10 that request.

11 Q. Is the exhibit a true and accurate copy of  
12 the document you received from the Company?

13 A. Yes.

14 Q. What fields on the preprinted bill of lading  
15 show information about shipment loading or unloading?

16 A. There is a section called "pickup address."  
17 There is one called "split pickup and delivery at," and  
18 there is another section called, "delivery address" on  
19 the two side.

20 Q. What do these fields tell us?

21 A. When they are filled in with exact addresses,  
22 they tell us the distance traveled from the customer's  
23 original residence to the end destination along with  
24 any stops along the way, such as storage facilities,  
25 and this is important because the company can't charge

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1 appropriate rates and charges without all the address  
2 information being filled in.

3           The distance between origin and destination  
4 can mean the difference between a move being rated as  
5 hourly or being rated by mileage rates, and those are  
6 two separate sets of rates in the tariff, so the  
7 address information is really critical.

8       Q.     Does anything appear in the field called  
9 "pickup address"?

10       A.     Yes.

11       Q.     What appears there?

12       A.     It appears to be the origin address for the  
13 customer.

14       Q.     Does anything appear in the field called  
15 "split pickup and delivery"?

16       A.     A telephone number.

17       Q.     Does anything appear in the field called  
18 "delivery address"?

19       A.     No.

20       Q.     And did Commission staff communicate to  
21 Advanced Relocation that there was a problem with  
22 shipping addresses?

23       A.     Yes. In the first audit report we did.

24       Q.     Would you please refer to the first audit  
25 report? That's Exhibit No. 5.

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1 A. (Witness complies.)

2 Q. Please turn to Page 16.

3 A. (Witness complies.)

4 Q. Would you please read the header and first  
5 paragraph?

6 A. Yes. It states: "Recommendation: Advanced  
7 Relocation on the bill of lading must list the exact  
8 address at which the shipment or any part of that  
9 shipment was loaded or unloaded."

10 Q. Thank you. Now please turn to the second  
11 audit report. That's on Exhibit 3. I'm going to ask  
12 you again to look at some of the appendices.  
13 Specifically, please turn to the Company's compliance  
14 plan at Exhibit B on Page 40.

15 A. (Witness complies.)

16 Q. Would you please read Item 12?

17 A. Item 12 states: "Advanced Relocation on the  
18 bill of lading lists of exact address at which the  
19 shipment or any part of that shipment was loaded or  
20 unloaded. Response: Advanced Relocation is already in  
21 compliance with this but will make sure as of date that  
22 is permanently enforced and of total compliance by  
23 latest June."

24 Q. Please turn to your letter of March 24, 2005,  
25 Appendix C, that begins at Page 42, but I would like

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1 you to refer to Page 44, a continuation of staff  
2 recommendations, and read the fifth bullet point.

3 A. The fifth bullet point states: "Advanced  
4 Relocation on the bill of lading must list the address  
5 at which any part of that shipment was loaded or  
6 unloaded."

7 Q. Thank you.

8 MS. CAMERON-RULKOWSKI: At this time, I would  
9 like to move for admission of the remainder of the  
10 exhibits, which I believe at this point is Exhibits 5  
11 through 8.

12 JUDGE MACE: I show them as Exhibits 4  
13 through 8. Is there any objection to the admission of  
14 those exhibits?

15 MR. THOMPSON: No.

16 JUDGE MACE: Then Exhibits 4 through 8 are  
17 admitted.

18 MS. CAMERON-RULKOWSKI: Thank you.

19 JUDGE MACE: Anything further?

20 MS. CAMERON-RULKOWSKI: I have no further  
21 questions for Ms. Young at this time.

22 JUDGE MACE: Mr. Thompson, this is your  
23 chance to ask questions of Ms. Young as to the  
24 testimony she's provided and the exhibits, and when I  
25 say "ask questions," it's a fine distinction between

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1 asking questions and stating your case. This isn't a  
2 chance for you to state your case.

3 This is just to make sure you have clarified  
4 what's in the information that she's provided. If you  
5 have something in a document that shows that something  
6 she has provided in her exhibits is incorrect, this is  
7 your chance to show her that and to see whether she has  
8 an explanation, that type of thing.

9 MR. THOMPSON: Okay. In the bill of  
10 lading --

11 JUDGE MACE: Here's another thing. We need  
12 to know for the record exactly what you are referring  
13 to, and it looks like you are referring to either  
14 Exhibit 3 or Exhibit 5. Can you tell me on the cover  
15 of that exhibit, what does it say?

16 MR. THOMPSON: Exhibit 4, advanced litigation  
17 nonbinding estimate form. I'm sorry. It's Exhibit 6.

18 JUDGE MACE: Look at the very top of the  
19 document you are referring to. Let's go off the  
20 record.

21 (Discussion off the record.)

22 JUDGE MACE: We've confirmed that  
23 Mr. Thompson is referring to Exhibit 3, and he has a  
24 question. Go ahead.

25 MR. THOMPSON: On the bill of lading here

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1 where it says I'm not showing the actual person that's  
2 receiving the shipment...

3 MS. CAMERON-RULKOWSKI: I believe this is the  
4 consigning section, Exhibit 6, I believe.

5 MR. THOMPSON: When it states the delivery  
6 name and the address is not written down here, what do  
7 I do if I'm doing a load only, if I'm just loading up a  
8 truck from someone's house, and the actual address is  
9 right on the origin? Am I supposed to put the name and  
10 address on the other side of it when I'm doing a load  
11 only, just loading up a truck?

12 MS. YOUNG: I'm not sure that that was what  
13 was clear from the bill of lading, that this was a load  
14 only --

15 MR. THOMPSON: It says right there, "load  
16 only."

17 MS. YOUNG: That's not the information we  
18 asked for during the request for documents. We asked  
19 for residential moves, so it wasn't clear to me that  
20 this was --

21 MR. THOMPSON: These are residential moves --

22 JUDGE MACE: Mr. Thompson, because we have a  
23 reporter here, we can't talk over each other. She  
24 needs to take down what Ms. Young is saying and what  
25 you're saying, so it's important not to talk over each

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1 other.

2 I need to have the exact document you are  
3 referring to. It's in Exhibit 6, apparently, but I  
4 don't know which one.

5 MS. YOUNG: This might be eight. This is  
6 where we talked about shipping address. Is this for  
7 Todd Haley?

8 MR. THOMPSON: Yes.

9 JUDGE MACE: Invoice 1984? Does it say 1984  
10 in the upper right corner?

11 MR. THOMPSON: Yes.

12 JUDGE MACE: You are saying that for this  
13 particular document, this was just loading a truck only  
14 at the address that shows "pickup address"?

15 MR. THOMPSON: Yes, ma'am. Every single one  
16 of them I sent here has the addresses, except for the  
17 name. The name of the person is the same person that  
18 is picking it up, so I got the addresses, the  
19 destination right there. Most of them I wrote "same."  
20 It was the same person picking it up. If it was a  
21 different person, I would have written it there.

22 JUDGE MACE: Do you have any more questions  
23 of Ms. Young?

24 MR. THOMPSON: Not for right now.

25 JUDGE MACE: Then it looks like that

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1 completes Staff's case at this point.

2 MS. CAMERON-RULKOWSKI: May I summarize?

3 JUDGE MACE: Sure.

4 MS. CAMERON-RULKOWSKI: I'll try to be brief.

5 JUDGE MACE: Actually, what I would prefer is  
6 if you would do this at the close. It would be better  
7 for me, I think. I would like to hear from him at this  
8 point.

9 Mr. Thompson, this is your chance to tell  
10 your side of the story, and I need to have you stand  
11 and raise your right hand.

12 (Witness sworn.)

13 JUDGE MACE: Please remember that there are  
14 five topics that were covered, five areas where there  
15 are problems with the audit report of your documents,  
16 and you are welcome to address each one of those.

17 MR. THOMPSON: I'm going to make it very  
18 brief, ma'am.

19 The issue of the name, the exact name on the  
20 permit not showing the same thing on the bill of  
21 lading, well, I see it as "Advanced" and "Advance" is  
22 pretty close, and I promised initially I was going to  
23 reprint the whole thing just to be in compliance with  
24 the Commission, but when I figured out the cost of it  
25 and just the level of business coming in, I have to

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1 reprint pretty much starting all over, and I couldn't  
2 afford it, just the fact that I've not been moving a  
3 lot of furniture lately. I've been doing temporary  
4 work just to survive. I've not been putting a lot of  
5 my energy into the business. I've not really had money  
6 to do it.

7           My plan was to next year call the business  
8 license office and just change the name to "Advanced  
9 Relocation Experts" with them. It's cheaper to do  
10 that. I can just do that with the State of Washington,  
11 and that was actually my plan, because I've not done  
12 any furniture moving within the past 90 days. It's  
13 been dead for me.

14           On the issue of the nonbinding estimates and  
15 the binding estimates not having the remarks section,  
16 I've looked everywhere in the little guide, the moving  
17 company thing, and I have not found any section for  
18 that. I've called three moving companies that do the  
19 same business as I do to see if they can help me out  
20 and show me, and they faxed me copies of their  
21 estimates, and none of them has a remarks section.  
22 They don't know what they talking about, and that's why  
23 I refaxed her the same copies.

24           On the issue about charges on the bill of  
25 lading, when the gas prices skyrocketed, it took the

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1 Commission a long time to respond to moving companies  
2 to tell us how we are supposed to charge customers, and  
3 in this process of doing business, we have to survive,  
4 and we have to at least pay our cost of buying gas, so  
5 I used my initiative on some of the bill of lading. I  
6 was charging customers between \$20 and \$22 for fuel  
7 surcharge just for the fact that the gas price doubled,  
8 and it took the Commission a long time to send us a  
9 supplemental to do anything about it.

10 Most of the things they said here is correct,  
11 and if I'm given the chance to do it, I know I could do  
12 it better. Most of it has been financial problems, and  
13 the little stuff like the name not on there, like I  
14 left that blank because it's the same customer that is  
15 picking it up. I don't think it makes any sense to  
16 write the same thing all over again because it's the  
17 same customer receiving it, and I put the address where  
18 they are going. That's what I don't understand.

19 JUDGE MACE: What about the bill of lading  
20 that's in Exhibit 6, Todd Haley, that shows, "truck,  
21 \$120."

22 MR. THOMPSON: What happened is Mr. Todd  
23 Haley initially did not request for a truck. We were  
24 just going to load the stuff up for him.

25 JUDGE MACE: So he was going to provide his

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1 own truck?

2 MR. THOMPSON: Yes, ma'am. Later on, he said  
3 he had a pickup somewhere else, and my truck was  
4 already out there working, and I told him the only way  
5 we could get a truck is we can get a rental truck from  
6 Budget, and the \$120 he paid was for Budget, not for  
7 me.

8 JUDGE MACE: I know you didn't load the  
9 truck. You didn't move it anywhere.

10 MR. THOMPSON: No. It went out of state.

11 MS. YOUNG: Can I ask a question?

12 JUDGE MACE: Why don't you talk to your  
13 attorney.

14 MS. YOUNG: (Witness complies.)

15 (Discussion off the record.)

16 MS. CAMERON-RULKOWSKI: Who paid for the  
17 truck?

18 MR. THOMPSON: I have an account with Budget,  
19 and what I did was I took the truck, and I just charged  
20 what I'm paying for it, basically.

21 MS. CAMERON-RULKOWSKI: So you paid for it  
22 through your account with Budget and then charged it  
23 back to the customer; is that correct?

24 MR. THOMPSON: Yes.

25 JUDGE MACE: Do you have anything else?

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1           MR. THOMPSON: I don't really have a lot to  
2 say. All I know is you guys fined me \$2,100, and right  
3 now, my business is not in a position to pay it, and  
4 I'm actually working warehouse doing graveyard right  
5 now to survive and feed my three boys, and I don't know  
6 how I'm going to come up with \$2,100.

7           I can pay it over time if you can work it out  
8 with me, and I also have plans to go into partnership  
9 with a friend of mine who has more book knowledge in  
10 this. I'm a mover. I don't know about all this  
11 technology and paperwork and all that, so I have plans  
12 to be with him first quarter of next year. He's been  
13 doing this for a long time, and I'm just going to stick  
14 to what I do, which is move furniture.

15           JUDGE MACE: Any more questions for  
16 Mr. Thompson?

17           MS. CAMERON-RULKOWSKI: No questions. Thank  
18 you.

19           JUDGE MACE: What would be Staff's position  
20 about some type of payment arrangement should the  
21 Commission find that these penalties should not be  
22 mitigated?

23           MS. CAMERON-RULKOWSKI: Staff has approved  
24 payment plans in the past. If you would excuse me for  
25 one moment.

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1 (Discussion off the record.)

2 MS. CAMERON-RULKOWSKI: Staff would not  
3 oppose a payment plan.

4 JUDGE MACE: Okay. Staff, you indicated you  
5 wanted to summarize. Would you go ahead, and then I  
6 will give Mr. Thompson an opportunity for final  
7 remarks.

8 MS. CAMERON-RULKOWSKI: Thank you, Your  
9 Honor. The summary will briefly recap the issues.

10 JUDGE MACE: Just let me interject for a  
11 minute. I'm thinking that this summary is a brief oral  
12 argument to take the place of briefs so that briefs  
13 would not have to be submitted in this. So in other  
14 words, you wouldn't have to write a brief and he  
15 wouldn't have to write a brief. Is that agreeable with  
16 each of you?

17 MS. CAMERON-RULKOWSKI: That's agreeable to  
18 Staff, Your Honor.

19 JUDGE MACE: Usually a brief is written at  
20 the close of a formal proceeding by each party to talk  
21 about their position and how they think the other side  
22 is wrong and how they think they are right, that kind  
23 of thing, but given the magnitude of this case, I'm a  
24 little leery about requiring briefs. I don't believe  
25 that they are necessary, so I would prefer just to have

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1 a statement now, if that's acceptable to both of you.

2 MS. CAMERON-RULKOWSKI: That's acceptable.

3 MR. THOMPSON: Yes.

4 MS. CAMERON-RULKOWSKI: I'll briefly recap  
5 the basis for each of the penalties assessed and then  
6 provide a response to the Company's request for  
7 mitigation.

8 Regarding the name on the permit, the name on  
9 the Company's permit says "Advance Relocation Expert,"  
10 and the name on the letterhead and forms is "Advanced  
11 Relocation Experts." Advance Relocation is out of  
12 compliance because household goods carrier must conduct  
13 operations under the name shown on its household goods  
14 permit.

15 In the Company's application for mitigation,  
16 it essentially admits not using the name as listed on  
17 the permit and argues that if fines are dropped, the  
18 Company will call the business licensing division and  
19 change the name to the one that appears in its logo and  
20 letterhead.

21 Staff does not support mitigation because the  
22 Company had ample opportunity to correct this practice.  
23 As the evidence shows, Advance Relocation received  
24 notice of this violation in the course of the first  
25 audit. It committed to comply by May 2005. By the

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1 time of the second audit this fall, the Company had had  
2 ample opportunity to correct this practice but still  
3 had not complied.

4           Regarding the remarks section on the  
5 nonbinding estimate forms, a remarks section is  
6 required on all estimate forms but it is missing from  
7 Advance Relocation's nonbinding estimate form. In the  
8 Company's application for mitigation, it argued that if  
9 the missing section could be highlighted by a  
10 Commission officer, I will make the correction ASAP.

11           The first audit cited the tariff item where  
12 the remarks section requirement is found. I will  
13 mention at this point that Mr. Thompson has also stated  
14 in this hearing that he has been unable to find the  
15 reference to the remarks section. The remarks section  
16 was cited in the first audit and also in Staff's March  
17 24, 2005 letter, which reiterated the requirement. The  
18 Company promised to reprint by May 2005. However, the  
19 Company did not correct the form, and therefore,  
20 penalties are appropriate.

21           Regarding the consigning name on the bill of  
22 lading, the evidence has shown that the Company eight  
23 times failed to write in the consigning name as  
24 required. Three times the field was left blank and  
25 five times the field was filled in with the word

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1 "same." Regarding this topic, Advance Relocation wrote  
2 in its application for mitigation, "Usually I make sure  
3 to write those. I've not been able to focus on my  
4 business, and I promise I will make corrections."

5           However, because in eight times the Company  
6 failed to include this information on the bill of  
7 lading, the Company does not usually list consigning  
8 names required. Therefore, the Staff does not support  
9 mitigation.

10           Regarding tariff rates and charges, one bill  
11 of lading contains a charge for truck, which is not in  
12 the tariff. We have now in the hearing had an  
13 explanation for what that charge was for. The problem  
14 is that the bill of lading needs to be clear about what  
15 the charges are for and how they are allowable.

16           The bill of lading also contains a notation  
17 of surcharge but does not list the source of the  
18 charge. Thus, the charge is not fully described, and  
19 the Company may be charging for an item not covered by  
20 the tariff. The remaining bills of lading charge for  
21 an item, the basic valuation coverage, which the tariff  
22 specifically states is free to the customer.

23           In its application for mitigation, the  
24 Company wanted the Commission to elaborate on this  
25 topic because it thinks its charging is requested in

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1 the tariff. However, the Company had prior notice that  
2 there were problems with their charges, and they have  
3 had ample opportunity to correct their practices.

4           Regarding the final topic, including the  
5 origin or destination for additional addresses on the  
6 bill of lading, the delivery address field in the bill  
7 of lading is blank. Thus, the Company did not include  
8 the exact location of the final destination point of  
9 the shipment as required in the tariff.

10           In its application for mitigation, Advanced  
11 Relocation Experts stated that it always lists the  
12 address of the shipper from origin to destination, and  
13 if there was one that was omitted, I apologize and  
14 promise to comply.

15           The evidence has shown that Advanced  
16 Relocation knew that Commission staff had concerns  
17 about the Company's compliance on this issue, yet  
18 failed again to comply. Staff does not support  
19 mitigation because the Company had ample opportunity to  
20 correct this practice. Thank you.

21           JUDGE MACE: Go ahead, Mr. Thompson.

22           MR. THOMPSON: On the issue about charges for  
23 the basic insurance, I think the Commission got things  
24 a little bit mixed up here. Right here where it says  
25 transportation charge --

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1           JUDGE MACE:  Again, I don't know what you are  
2 referring to, so you have to let me know.  Otherwise, I  
3 can't track what you are saying.

4           MR. THOMPSON:  It's on the bill of lading  
5 1099.

6           JUDGE MACE:  Do you have a page at the bottom  
7 right-hand corner of that document?

8           MS. CAMERON-RULKOWSKI:  For clarification, I  
9 believe this is Exhibit No. 7.

10          JUDGE MACE:  Just hold on while I find No. 7.  
11 Go ahead.  Which one is it now?

12          MR. THOMPSON:  Kathryn Corley, Invoice No.  
13 1099.

14          JUDGE MACE:  Yes.

15          MR. THOMPSON:  She mentioned that I was  
16 charging for basic protection, and here it says the  
17 transportation charge actually is a surcharge.

18          JUDGE MACE:  So let me make sure I'm clear.  
19 Anyplace on any of these documents where it says in the  
20 bottom right-hand part of the document, "transportation  
21 valuation charges," that's really not a charge for the  
22 basic protection.  It's a surcharge, a fuel surcharge?

23          MR. THOMPSON:  Yes, ma'am, and I don't charge  
24 for the basic insurance.

25          JUDGE MACE:  Okay.  Did the Commission

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1 actually authorize you to implement a surcharge for  
2 each of those documents, or was this one of those  
3 instances where you thought the Commission was going  
4 too slowly?

5 MR. THOMPSON: In the past, the Commission  
6 has sent supplementals, like for the gas, for us to  
7 charge extra for the gas, but on some cases, they  
8 waited a long time, and the prices were so expensive  
9 that there was nothing I could do.

10 We are running a business. I at least wanted  
11 the business to make profit, not lose money, and we  
12 went around for two months with the Commission to at  
13 least approve some while we are running the business in  
14 deficit. We might as well shut down.

15 JUDGE MACE: Thanks. Anything further on  
16 this issue?

17 MS. CAMERON-RULKOWSKI: I would simply note  
18 that it's impossible to tell what that surcharge is for  
19 the way it's written on this estimate. It's not a  
20 separate line item and it's not fully described.

21 MR. THOMPSON: There is no spot on the bill  
22 of lading where we can actually write the surcharge,  
23 and I also have one more question. Over here it says  
24 "extra pickup and delivery." They told us we can  
25 charge for extra pickup and delivery, but why didn't

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1 they include it in our bill of lading?

2 JUDGE MACE: This is a little out of order.

3 That would have been a question you would have  
4 addressed to Ms. Young, but since I'm characterizing  
5 this hearing as a little less formal, I'll allow  
6 Ms. Young to answer that question for him.

7 MS. YOUNG: This bill of lading can be used  
8 for mileage moves as well as hourly-rated moves, and  
9 with mileage-rated moves -- those are moves over 35  
10 miles -- if there are extra stops, there is a charge  
11 for that listed in the tariff, so that's where you  
12 would need that area.

13 And one other point I wanted to clarify is  
14 that there are two sections in this area labeled as  
15 "other," and that is the appropriate place to list a  
16 fuel surcharge.

17 MR. THOMPSON: Okay.

18 JUDGE MACE: Anything else, Mr. Thompson?

19 MR. THOMPSON: No, thank you.

20 JUDGE MACE: Anything else from Staff?

21 MS. CAMERON-RULKOWSKI: Nothing further.

22 Thank you, Your Honor.

23 JUDGE MACE: Based on my schedule over the  
24 next month, it's possible that I may not be able to  
25 enter an order until approximately a month to a month

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1 and a half from now. I will act as expeditiously as I  
2 can. I just want to make you aware that I have a  
3 fairly heavy schedule for the next period of time, and  
4 it's going to prevent me from getting to this directly.

5 I believe the transcript takes about two  
6 weeks, and I will be right in the middle of a hearing  
7 at that point, so just so you are aware, there will be  
8 an order entered as soon as possible, but I don't know  
9 precisely when. It should be six to eight weeks from  
10 now.

11 MR. THOMPSON: Thank you.

12 MS. CAMERON-RULKOWSKI: Thank you, Your  
13 Honor.

14 (Hearing concluded at 11:15 a.m.)

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