

Docket No. TV-200137 - Vol. I

In the Matter of: Let's Move It LLC

April 8, 2020



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1                    BEFORE THE WASHINGTON  
2                    UTILITIES AND TRANSPORTATION COMMISSION

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4 In the Matter of the )DOCKET TV-200137  
Application of        )  
5                    )  
6 LET'S MOVE IT LLC    )  
7                    )  
8 For a Permit to Operate )  
as a Household Goods    )  
Carrier                    )  
9                    )

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

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15                    April 8, 2020  
16                    9:30 a.m.

17                    Washington Utilities and Transportation Commission  
18                    621 Woodland Square Loop Southeast  
19                    Lacey, Washington 98503

20 REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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9                    (No exhibits admitted.)  
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1                    A P P E A R A N C E S  
2                    ADMINISTRATIVE LAW JUDGE:  
3                    MICHAEL HOWARD  
4  
5  
6 FOR COMMISSION STAFF:  
7                    JEFF ROBBERSON  
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12 FOR LET'S MOVE IT LLC:  
13                    KIMBERLY BEHREND'S  
14                    3129 - 55th Avenue South  
15                    Auburn, Washington 98001  
16                    (425) 299-0011  
letsmoveitllc19@gmail.com

17 ALSO PRESENT:  
18                    PATRICK REMFREY  
19                    Staff Witness  
20  
21                    \* \* \* \* \*  
22  
23  
24  
25

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1                    LACEY, WASHINGTON; APRIL 8, 2020  
2                    9:30 A.M.  
3                    --o0o--  
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

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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,

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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

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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  
 12 E X A M I N A T I O N  
 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.

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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)?**

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**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

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**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

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1 questions for Mr. Remfrey?

2 MS. BEHREND: 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: 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: 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.

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1 MS. BEHREND: 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: Okay.

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

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

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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.

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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'S: 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'S: 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

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1 off the record. Thank you.  
 2 MS. BEHREND'S: Thank you, sir.  
 3 (Adjourned at 9:44 a.m.)  
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1 CERTIFICATE  
 2  
 3 STATE OF WASHINGTON  
 4 COUNTY OF THURSTON  
 5  
 6 I, Tayler Garlinghouse, a Certified Shorthand  
 7 Reporter in and for the State of Washington, do hereby  
 8 certify that the foregoing transcript is true and  
 9 accurate to the best of my knowledge, skill and ability.  
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 12 Tayler Garlinghouse, CCR 3358  
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