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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 )

For a Permit to Operate )

8 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.

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Washington Utilities and Transportation Commission

18 621 Woodland Square Loop Southeast

Lacey, Washington 98503

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REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

21

Buell Realtime Reporting, LLC

22 1325 Fourth Avenue, Suite 1840

Seattle, Washington 98101

23 (206) 287-9066 | Seattle

(360) 534-9066 | Olympia

24 (800) 846-6989 | National

25 www.buellrealtime.com

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1 A P P E A R A N C E S

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ADMINISTRATIVE LAW JUDGE:

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MICHAEL HOWARD

4

5

6 FOR COMMISSION STAFF:

7 JEFF ROBERSON

Assistant Attorney General

8 Attorney General's Office

PO Box 47250

9 Olympia, Washington 98504

(360) 664-1188

10 jeff.roberson@utc.wa.gov

11

12 FOR LET'S MOVE IT LLC:

13 KIMBERLY BEHRENDS

31229 - 55th Avenue South

14 Auburn, Washington 98001

(425) 299-0011

15 letsmoveitllc19@gmail.com

16

17 ALSO PRESENT:

18 PATRICK REMFREY

Staff Witness

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KIMBERLY BEHRENDS

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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

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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. BEHRENDS: 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. BEHRENDS: 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. BEHRENDS: No questions here.

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

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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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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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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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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. BEHRENDS: 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. BEHRENDS: 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. BEHRENDS: 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. BEHRENDS: 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. BEHRENDS: Okay.

23 JUDGE HOWARD: Okay. Well, would you like

24 to offer any other statements for the moment?

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

0013

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 E X A M I N A T I O N

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. BEHRENDS: 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. BEHRENDS: No objection.

19 JUDGE HOWARD: Okay. Thank you.

20 Does either party have anything further

21 before we go off the record?

22 MS. BEHRENDS: 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. BEHRENDS: Thank you, sir.

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

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3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

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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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13 Tayler Garlinghouse, CCR 3358

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