

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND)	DOCKET NO. TV-050537
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	
)	NARRATIVE SUPPORTING
v.)	REVISED SETTLEMENT
)	AGREEMENT
ALL MY SONS MOVING & STORAGE)	
OF SEATTLE, INC.,)	
)	
Respondent.)	
_____)	

I. INTRODUCTION

1 This Narrative Supporting Revised Settlement Agreement (Narrative) is filed pursuant to WAC 480-07-740(2)(a) on behalf of both All My Sons Moving & Storage of Seattle, Inc., (All My Sons) and the Staff of the Utilities and Transportation Commission (Staff). Both parties have signed the revised Settlement Agreement (Agreement), which is being filed concurrently with this Narrative. This Narrative summarizes the Agreement. It is not intended to modify any terms of the Agreement.

II. PROPOSALS FOR REVIEW PROCEDURE

2 The text of the Agreement is identical to the text of the agreement filed June 16, 2006, except that the parties have revised the safe-harbor provision in keeping with the

guidelines set out by the Commission in Order No. 4.¹ Because the Commission adopted the settlement agreement filed June 16, 2006, with the exception of one provision, and because the settlement is otherwise uncontested, the parties suggest that a formal settlement hearing along with the opportunity for public comment is unnecessary at this time.

3 The parties do not intend to file documentation supporting the Agreement, with the exception of the Agreement itself and this Narrative. If the Commission requires supporting documents beyond the Agreement, Narrative, and the other documents on file in this docket, the parties will provide documentation as needed.

4 The parties request a streamlined review of the proposed settlement. To that end, the parties waive entry of an initial order, so that the record can be submitted directly to the Commissioners. In accordance with WAC 480-07-730, the parties propose the foregoing procedural alternatives for review of the proposed settlement agreement.

III. SCOPE OF THE UNDERLYING DISPUTE

5 The underlying dispute concerns a penalty assessment issued by the Commission to All My Sons on September 15, 2006. The parties negotiated a settlement, which they filed with the Commission June 16, 2006. On September 14, 2006, the Commission issued a final order, approving and adopting the settlement agreement with the exception of paragraph 6, which contained a safe-harbor provision.² The safe-harbor language provided that the Commission could not assess penalties against All My Sons for violations that had occurred

¹ See Order 04, Denying Respondent's Petition for Reconsideration, October 11, 2006.

² Order 03, Order On Review Approving and Adopting Settlement Agreement Subject to Condition, September 14, 2006.

between the end of the audit period, May 8, 2005, and December 31, 2005, a span of some eight months.

6 All My Sons petitioned for reconsideration, which the Commission rejected in Order 04, on October 11, 2006.³ In Order 04, the Commission explained that it had rejected paragraph 6 of the Settlement agreement “because it covered all violations that occurred during the safe-harbor period, including unexamined and perhaps even undiscovered violations.”⁴ The Commission then invited the parties to “reopen negotiations to discuss whether the safe-harbor provision might be replaced with a more narrowly drawn term that identifies specific violations outside the penalty assessment period that Staff will agree not to pursue.”⁵

7 Staff and All My Sons reopened negotiations and reached agreement on a replacement provision, which is set forth at paragraph 8⁶ in the revised Settlement Agreement.

IV. DESCRIPTION OF PROPOSED SETTLEMENT

Except for paragraph 8⁷, the language of the Agreement is identical to that of the settlement agreement submitted June 6, 2006. The parties have replaced the safe-harbor provision with more narrowly drawn language that identifies specific violations for which Staff has agreed not to pursue penalties. Specifically, Staff has agreed not to pursue penalties for the following violations: the violations associated with commission complaint

³ Order 04, Denying Respondent’s Petition for Reconsideration, October 11, 2006.

⁴ Order 04 at ¶23.

⁵ Order 04 at ¶24.

number 92499, which occurred in March and May of 2005; the violations associated with commission complaint number 93714, which occurred in April and May of 2005; the violations associated with commission complaint number 94190, which occurred in June of 2005; and the violations associated with commission complaint number 94126, which occurred in April of 2005.

V. STATEMENT OF PARTIES' INTERESTS AND THE PUBLIC INTEREST

8 As stated in the Agreement, the settlement represents a compromise of the positions of the two parties. The parties find it is in their best interests to avoid the expense, inconvenience, uncertainty, and delay that would result if they were to renegotiate the entire settlement or litigate the matter. It is in the public interest that this dispute conclude without the further expenditure of public resources on protracted settlement discussions or litigation.

VI. LEGAL POINTS THAT BEAR ON PROPOSED SETTLEMENT

9 In WAC 480-07-700, the Commission expresses its support for parties' informal efforts to resolve disputes without the need for contested hearings when doing so is lawful and consistent with the public interest. The parties have resolved all of the issues in dispute between them, and have attempted to revise the safe-harbor provision to the Commission's satisfaction. Such a resolution of this docket complies with Commission rules as well as Order No. 4, and, as explained above, is consistent with the public interest.

⁶ Please note that the paragraph numbering in the revised settlement agreement has been corrected; so that the text located at paragraph 6 in the first settlement agreement (filed June 16, 2006) is located at paragraph 8 in the revised settlement agreement.

⁷ See *supra* note 6.

VII. CONCLUSION

10 Because the parties have negotiated a replacement of the safe-harbor provision that is in accordance with the guidelines set forth in Order No. 04, and because the settlement is in the public interest, both parties request that the Commission approve the attached Agreement.

Respectfully submitted this ____ day of December, 2006.

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