

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TV-143648
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 01
)	
v.)	
)	
ALL STAR TRANSFER, LARON)	INITIAL ORDER APPROVING
WILLIAMS INC., D/B/A ALLSTAR)	SETTLEMENT AGREEMENT
MOVING & STORAGE, ALLSTAR)	
MOVERS, AND CAREFUL MOVERS,)	
)	
Respondent.)	
.....)	

BACKGROUND

- 1 On February 11, 2015, the Washington Utilities and Transportation Commission (Commission) through its regulatory staff (Staff)¹ filed a complaint against All Star Transfer, Laron Williams, Inc., d/b/a Allstar Moving & Storage, Allstar Movers, and Careful Movers (All Star Transfer or Company) and issued a Notice of Brief Adjudicative Proceeding set for March 20, 2015, at 9:30 a.m. The complaint alleges that the Company committed 254 violations of Commission rules and state laws, and seeks monetary penalties in addition to customer refunds of \$2,378.32.

- 2 On March 11, 2015, Staff notified the Commission that the parties had reached a settlement in principle. On March 25, 2015, Staff filed a settlement agreement on behalf of the parties (Settlement Agreement) and requested that the Commission cancel the scheduled hearing. In the Settlement Agreement, All Star Transfer admits

¹ In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See RCW 34.05.455.

that it violated WAC 480-15-390, WAC 480-15-490, WAC 480-15-630, WAC 480-15-710, and Tariff 15-C, Items 80, 85, 95, and 230, as alleged in the complaint.

3 The parties agree that the Commission should assess a penalty of \$1,700. The parties agree that the entire penalty should be suspended for a period of one year from the date the Commission approves the settlement agreement on the condition that All Star Transfer substantially complies with Commission rules and Tariff 15-C. Staff will conduct a follow-up investigation within one year from the date the Commission approves the Settlement Agreement and will provide a recommendation regarding whether the Commission should waive or impose the penalty.

4 Staff recommends, and the parties agree, that All Star Transfer will not refund customers for the violations alleged in the complaint because the Company did not overcharge customers. Rather, the Company failed to properly document the services it provided, and those violations are accounted for in the penalty.

5 Christopher Casey, Assistant Attorney General, Olympia, Washington, represents the Staff. Laron Williams, Owner, Edmonds, Washington, represents All Star Transfer.

DISCUSSION AND DECISION

6 WAC 480-07-750(1) states in part: “The commission will approve settlements when doing so is lawful, the settlement terms are supported by an appropriate record, and when the result is consistent with the public interest in light of all the information available to the commission.” Thus, the Commission considers the individual components of the Settlement Agreement under a three-part inquiry, asking:

- Whether any aspect of the proposal is contrary to law.
- Whether any aspect of the proposal offends public policy.
- Whether the evidence supports the proposed elements of the Settlement Agreement as a reasonable resolution of the issue(s) at hand.

The Commission must determine one of three possible results:

- Approve the proposed settlement without condition.
- Approve the proposed settlement subject to conditions.
- Reject the proposed settlement.

7 We approve the Settlement Agreement without condition. The parties made concessions relative to their respective litigation positions to arrive at end results that are supported by the evidence in the record. All Star Transfer admits to violations of WAC 480-15-390, WAC 480-15-490, WAC 480-15-630, WAC 480-15-710, and Tariff 15-C, Items 80, 85, 95, and 230. The penalty the Company agrees to pay is reasonable, and suspending the penalty on the condition of future compliance is appropriate to deter repeat violations.

8 The terms of the Settlement Agreement are not contrary to law or public policy and reasonably resolve all issues in this proceeding. The Settlement Agreement supports the Commission's goal of compliance by permitting the Company to pay a penalty that will be suspended, then waived, provided the Company does not incur repeat violations of WAC 480-15-390, WAC 480-15-490, WAC 480-15-630, WAC 480-15-710, and Tariff 15-C, Items 80, 85, 95, and 230, and complies with the terms of the Settlement Agreement. Given these factors, we find the Settlement Agreement is consistent with the public interest and should be approved as filed.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The Settlement Agreement between All Star Transfer, Laron Williams, Inc., d/b/a Allstar Moving & Storage, Allstar Movers, and Careful Movers and Commission Staff, attached as Exhibit A to, and incorporated into, this Order, is approved as the final resolution of the disputed issues in this docket subject to the conditions set out in this Order.
- 10 (2) All Star Transfer, Laron Williams, Inc., d/b/a Allstar Moving & Storage, Allstar Movers, and Careful Movers is assessed a penalty of \$1,700, which is suspended for a period of one year from the effective date of this Order conditioned on All Star Transfer, Laron Williams, Inc., d/b/a Allstar Moving & Storage, Allstar Movers, and Careful Movers complying with the terms of this Order.

- 11 (3) Within one year from the date of this Order, Commission Staff shall conduct a review of the operations of All Star Transfer, Laron Williams, Inc., d/b/a Allstar Moving & Storage, Allstar Movers, and Careful Movers to determine its compliance with applicable statutes and rules. If All Star Transfer, Laron Williams, Inc., d/b/a Allstar Moving & Storage, Allstar Movers, and Careful Movers has substantially complied with applicable statutes and rules, the Commission will waive the penalty. If All Star Transfer, Laron Williams, Inc., d/b/a Allstar Moving & Storage, Allstar Movers, and Careful Movers has not substantially complied with applicable statutes and rules, the suspended \$1,700 penalty will become immediately due and payable.
- 12 (4) The Commission retains jurisdiction to effectuate the terms of this Order.

Dated at Olympia, Washington, and effective April 2, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An original and **five (5)** copies of any Petition or Answer must be filed by mail delivery to:

Attn: Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

**Exhibit A
Settlement Agreement**