

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint for  
Penalties Against:

Super Friends Moving L.L.C. D/B/A Super  
Friends Moving

DOCKET TV-190835

ORDER 01

ORDER INSTITUTING SPECIAL  
PROCEEDING; COMPLAINT  
SEEKING TO IMPOSE  
PENALTIES; NOTICE OF  
PREHEARING CONFERENCE  
(Set for Monday, March 16, 2020,  
at 9:30 a.m.)

1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its regulatory staff (Staff), alleges as follows:

**I. PARTIES**

2 The Commission is an agency of the state of Washington authorized by statute to regulate the rates, services, facilities, and practices of public service companies, including household goods carriers.

3 Super Friends Moving L.L.C. (Super Friends or Company) is a Washington limited liability company. The Washington Secretary of State's records list Mr. Jacob Raich as Super Friends' registered agent and governing person. The Commission previously classified Super Friends as a household goods carrier in Dockets TV-100281 and TV-170206, and the Company formerly held Commission-issued permit THG064056.<sup>1</sup>

**II. BACKGROUND**

4 On October 26, 2010, the Commission entered Order 02 in Docket TV-100281. The Commission therein classified Super Friends as a common carrier of household goods.

---

<sup>1</sup> The Commission cancelled Super Friends household goods carrier permit in May 2019 for failure to provide acceptable proof of insurance. The Company filed an application for reinstatement of its permit on January 10, 2019. Staff informed the Company that the Commission would deny the application based on the recent cancellation of its permit. Super Friends stated that it would withdraw its application and refile after the expiration of the one year bar to its application found in WAC 480-15-302(11).

- 5 In 2010, Super Friends applied for a permit authorizing it to engage in business as a common carrier of household goods. The Commission granted the application and issued to Super Friends permit THG064056.
- 6 In May 2016, the Commission canceled Super Friends' permit due to its failure to submit acceptable proof of insurance.
- 7 The Commission reinstated Super Friends' permit in July of 2016.
- 8 In December 2016, the Commission again cancelled Super Friends' permit for failure to submit acceptable proof of insurance.
- 9 On April 26, 2017, the Commission, by stipulation, entered Order 02 in Docket TV-170206 (Order 02). Order 02 memorialized Super Friends' admission that it had "been operating as a household goods carrier in the state of Washington without the required permit."<sup>2</sup> Super Friends, through Mr. Raich, pledged to "permanently shut down and cease operations as a household goods carrier, as defined by WAC 480-15, without first obtaining a permit from the Commission."<sup>3</sup> Given the parties' stipulations, the Commission: (1) classified Super Friends as a common carrier of household goods, (2) ordered Super Friends to "immediately cease and desist operations as a household goods carrier within the state of Washington without first obtaining a permit from the Commission" pursuant to RCW 81.04.510,<sup>4</sup> and (3) assessed against Super Friends a penalty for its violation of RCW 81.80.075, a portion of which the Commission suspended on the condition that Super Friends "refrain permanently from further operations as a household goods carrier in the state of Washington without first obtaining the required permit."<sup>5</sup>
- 10 The Commission later issued Super Friends a provisional household goods carrier permit.
- 11 In May 2019, the Commission again cancelled Super Friends' permit for failure to submit acceptable proof of insurance.
- 12 On September 10, 2019, Staff visited Super Friends' website, [www.super-friends-moving.com](http://www.super-friends-moving.com), and used an assumed name to request a quote for the transport of household goods between points located in Kent, Washington, and Seattle, Washington. Super Friends offered to perform the transport at a rate of \$180 per hour. Super Friends based this quote on the employment of three workers and a truck for the transport.

---

<sup>2</sup> *In re Determining the Proper Carrier Classification of, and Complaint for Penalties Against Jacob Raich d/b/a Super Friends Moving L.L.C.*, Docket TV-170206, Order 02, 3 ¶ 7 (April 26, 2017).

<sup>3</sup> *Id.* at 4 ¶ 12.

<sup>4</sup> *Id.* at 5 ¶ 20.

<sup>5</sup> *Id.* at 5 ¶ 21.

- 13 On December 24, 2019, Staff again used Super Friends' website and an assumed name to request a quote for the transport of household goods between points in Kent, Washington. Super Friends offered to perform the transport at a rate of \$175 per hour. Again, Super Friends based this quote on the employment of three workers and a truck for the transport.

### III. JURISDICTION

- 14 The Commission has jurisdiction over the subject matter of this complaint under chapter 34.05 RCW, RCW 80.01.040, RCW 80.01.060, RCW 81.01.010, RCW 81.04.010, RCW 81.04.020, RCW 81.04.110, RCW 81.04.380, RCW 81.04.460, RCW 81.04.510, RCW 81.80.075, and WAC 480-15-180.

### IV. APPLICABLE LAW

- 15 The Commission regulates public service companies pursuant to a delegation of authority from the legislature. *See* RCW 80.01.040(2); RCW 81.01.010.
- 16 Household goods carriers are common carriers, RCW 81.04.010(11), and therefore public service companies. RCW 81.04.010(16).
- 17 State law defines the term "household goods carrier" to mean "a person who transports for compensation, by motor vehicle within this state, or who advertises, solicits, offers, or enters into an agreement to transport household goods as defined by the Commission."
- 18 The Commission's rules define household goods as "the personal effects and property used, or to be used, in a residence when transported or arranged to be transported between residences or between a residence and a storage facility with the intent to later transport to a residence or when referenced in connection with advertising, soliciting, offering, or entering into an agreement for such transportation. Transportation of the goods must be arranged and paid for by the customer or by another individual, company or organization on behalf of the customer." WAC 480-15-010.
- 19 State law forbids a person from "engaging in business as a household goods carrier without first obtaining a household goods carrier permit from the [C]ommission." RCW 81.80.075(1).
- 20 The Commission may file a complaint upon its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the Commission. RCW 81.04.110.
- 21 The Commission may institute a special proceeding to determine whether a person is conducting business requiring operating authority, or has performed or is performing any act requiring Commission approval without first securing that approval. RCW 81.04.510.

Whether the person has done so is a question of fact for the Commission. RCW 81.04.510.

- 22 If the Commission determines at a special proceeding that a person is operating or has operated without the necessary authority, it must order them to cease and desist. RCW 81.04.510.
- 23 Any person engaging in business as a household goods carrier without first obtaining the permit required by RCW 81.80.075(1) is subject to a penalty of up to \$5,000 per violation. RCW 81.80.075(4). Any person who engages in business as a household goods carrier in violation of a cease and desist order issued by the Commission under RCW 81.04.510 is subject to a penalty of up to \$10,000 per violation.

#### **V. CAUSE OF ACTION**

- 24 The Commission re-alleges paragraphs 2 through 22, above.
- 25 The Commission alleges that Super Friends violated RCW 81.80.075(1) and the cease and desist order entered against Super Friends by the Commission in Order 02 in Docket TV-170206 on at least two occasions by offering to transport household goods for compensation over the public highways of Washington State without first obtaining a permit authorizing to engage in business as a household goods carrier.

#### **VI. REQUEST FOR RELIEF**

- 26 Staff requests that the Commission, pursuant to its authority under RCW 81.80.075(5), assess penalties of up to \$10,000 for each violation of RCW 81.80.075(1) and the cease and desist provision of Order 02 in Docket TV-170206.
- 27 Staff further requests that the Commission order such other or further relief as is appropriate under the circumstances.

#### **VII. PROBABLE CAUSE**

- 28 Based on a review of the Declaration of Brian Braun and all supporting documents, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this complaint.

#### **VIII. NOTICE OF PREHEARING CONFERENCE**

- 29 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

- 30 **THE COMMISSION GIVES NOTICE** That it will hold a prehearing conference in this matter at 9:30 a.m. on March 16, 2020, in the Commission's Hearing Room, located at 621 Woodland Square Loop SE in Lacey, Washington.
- 31 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence, identify the issues in the proceeding, and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.
- 32 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See* WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See* WAC 480-07-345(2). Parties with more than one representative must identify one individual as the "lead" for purposes of official service. Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.
- 33 **THE COMMISSION GIVES NOTICE** that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.
- 34 The names and mailing addresses of all known parties and their known representatives are as follows:

Carrier: Super Friends Moving, L.L.C.  
Jacob Raich,  
Governor and Registered Agent  
2936 NE 178th Street  
Lake Forest Park, WA 98155

Complainant: Washington Utilities and Transportation Commission  
621 Woodland Park Loop SE  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

Representative: Jeff Roberson  
Office of the Attorney General  
621 Woodland Park Loop SE  
P.O. Box 40128  
Olympia, WA 98504-7250  
(360) 664-1188  
jeff.roberson@utc.wa.gov

- 35 Administrative Law Judge Michael Howard, from the Commission's Administrative Law Division, will preside during this proceeding.<sup>6</sup>
- 36 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Lacey, Washington, and effective February 19, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Director, Administrative Law Division

Inquiries may be addressed to:

Mark L. Johnson  
Executive Director and Secretary  
621 Woodland Square Loop S.E.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

---

<sup>6</sup> Judge Howard can be reached at 360-664-1139 or Michael.howard@utc.wa.gov.

**NOTICE**

PLEASE NOTE: Hearing facilities are accessible to interested people with disabilities. Smoking is prohibited. If limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Mark L. Johnson, 621 Woodland Square Loop SE, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION.)

Docket: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired: (Yes)\_\_\_\_\_ (No)\_\_\_\_\_

Do you need a certified sign language interpreter?

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_)\_\_\_\_\_