

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant

v.

SUPER FRIENDS MOVING L.L.C.,  
D/B/A SUPER FRIENDS MOVING,

Respondent.

DOCKET TV-200820

COMPLAINT FOR PENALTIES;  
NOTICE OF PREHEARING  
CONFERENCE

**(Set for Thursday, October 22,  
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., d/b/a Super Friends Moving, (Super Friends or Company) is a Washington limited liability company engaging in business as a household goods carrier.

**II. BACKGROUND**

4 In 2010, Super Friends applied for a permit after the Commission classified it as a household goods carrier. The Commission issued to the Company household goods carrier permit THG064056.

5 In December 2016, the Commission cancelled Super Friends' permit for failure to submit acceptable proof of insurance.<sup>1</sup>

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<sup>1</sup> The Commission had already cancelled the Company's permit once before, but reinstated it approximately two months later.

- 6 Staff discovered evidence that the cancellation of Super Friends' permit did not cause it to stop engaging in business as a household goods carrier. Staff therefore filed a complaint with the Commission seeking (1) the classification of Super Friends as a household goods carrier, (2) the imposition penalties for violations of the public service laws, and (3) an order requiring Super Friends to cease and desist from further violations. The Commission docketed the complaint as TV-170206.
- 7 The Commission ultimately entered an order classifying Super Friends as a common carrier of household goods. Accordingly, pursuant to RCW 81.04.510, the Commission 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."<sup>2</sup>
- 8 The Commission later reinstated Super Friends' provisional household goods carrier permit.
- 9 In May 2019, the Commission cancelled Super Friends' reinstated permit for failure to submit acceptable proof of insurance.
- 10 Again, Staff discovered evidence that the cancellation of Super Friends' permit did not cause it to cease engaging in business as a household goods carrier. Staff therefore filed with the Commission another complaint against Super Friends. The Commission docketed the complaint as TV-190835.
- 11 The parties ultimately reached a settlement that resolved all the issues raised in Docket TV-190835.<sup>3</sup> As relevant here, the settlement's terms required Super Friends to comply with the cease and desist order entered against it in Docket TV-170206. Specifically, Super Friends agreed to "cease performing jurisdictional moves, cease advertising jurisdictional services, and cease offering or entering into agreements to perform jurisdictional services."<sup>4</sup> Staff pledged not to oppose any application for a permit made by Super Friends based on the illegal conduct that was the subject of Staff's complaint unless Super Friends violated the cease and desist order.

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<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, 5 ¶ 20 (Apr. 26, 2017).

<sup>3</sup> The parties to the settlement included Staff, Super Friends, and the Public Counsel Unit of the Washington State Attorney General's Office.

<sup>4</sup> *In re Determining the Proper Carrier Classification of, and Complaint for Penalties Against Super Friends Moving LLC d/b/a Super Friends Moving*, Docket TV-190835, Order 03 Appx. A, 3 ¶ 7 (June 5, 2020).

- 12 In June 2020, Super Friends filed the application for reinstatement of its permit contemplated by the settling parties in Docket TV-190835. The face of that application specifically noted that filing the application did not itself authorize the company to engage in business as a household goods carrier.
- 13 In late July 2020, Super Friends filed an updated application for a household goods carrier permit. Again, the face of the updated application provided that its filing did not authorize Super Friends to engage in business as a household goods carrier.
- 14 In August 2020, Staff discovered advertisements for Super Friends' services on the website Yelp and a posting by the Company on the website Thumbtack. The Thumbtack post contained a link that allowed customers to obtain quotes for the transport of items.
- 15 Staff attempted to obtain from Super Friends a quote for the transport of household goods between two residential addresses near Tacoma, Washington, using the Thumbtack link. Specifically, Staff requested a quote for transporting the furniture found in a two-bedroom, two-bathroom apartment to another apartment.
- 16 Super Friends provided the requested quote.
- 17 After Super Friends provided the quote, Staff recommended that the Commission deny the Company's permit application due to its violations of the public service laws and the Commission's cease and desist order in Docket TV-170206.
- 18 The Commission agreed with Staff's recommendation and provided Super Friends notice of its intent to deny the application. Super Friends requested a hearing concerning the notice. The Commission duly set the matter for hearing.
- 19 At the hearing,<sup>5</sup> Super Friends' owner and manager, Jacob Raich, effectively admitted to operating without a permit through August, stating

No, I understand in the eyes of having – in the Commission's eyes I understand the violation would stem from us advertising for – the advertising or quoting for a move in a period of time where we're not supposed to be advertising or quoting for a move. So I do understand he violation there.

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<sup>5</sup> After that hearing, the Commission reinstated Super Friends' household goods carrier permit as a provisional permit. *In re Application of Super Friends Moving L.L.C.*, Docket TV-200518, Order 01, 5-6 ¶¶ 26-27 (Sept. 14, 2020).

But, yeah, I just wanted to make it known that we were under the assumption that by the end of August, yes, we would be – it was assumed that we would have our authority to operate as a household goods carrier.<sup>6</sup>

### III. JURISDICTION

20 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

21 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.

22 Household goods carriers are common carriers, RCW 81.04.010(11), and therefore public service companies. RCW 81.04.010(16).

23 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.” RCW 81.80.010(5); *see* WAC 480-15-020, -180.

24 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.

25 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); WAC 480-15-180.

26 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.

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<sup>6</sup> *In re Application of Super Friends Moving L.L.C.*, Docket TV-200518, Transcript, at 21:22 – 22:8 (Sept. 1, 2020).

27 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

28 The Commission re-alleges paragraphs 2 through 27, above.

29 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 (1) 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 by providing to Staff a price quote and (2) advertising on the website Yelp to transport household goods for compensation over the public highways of Washington State without first obtaining a permit authorizing it to engage in business as a household goods carrier.

#### VI. REQUEST FOR RELIEF

30 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.

31 Staff requests that the Commission extend the Company's provisional period to two years from the effective date of any final order entered in this docket given Super Friends' repeated violations of the public service laws.

32 Staff further requests that the Commission order such other or further relief as is appropriate under the circumstances.

#### VII. PROBABLE CAUSE

33 Based on a review of the declaration of Jacque Hawkins-Jones, 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

34 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.

- 35 **THE COMMISSION GIVES NOTICE** That it will hold a virtual prehearing conference in this matter at 9:30 a.m. on October 22, 2020. To participate by phone, call (253) 372-2181 and the conference ID 217 335 663#. To participate via Microsoft Teams, please use the following link: [Join Microsoft Teams Meeting](#).
- 36 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.
- 37 **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.
- 38 **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.
- 39 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
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Complainant: Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

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

40 Administrative Law Judge Samantha Doyle, from the from the Commission's Administrative Law Division, will preside during this proceeding.<sup>7</sup>

41 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 September 30, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

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

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<sup>7</sup> Judge Doyle can be reached at [samantha.doyle@utc.wa.gov](mailto:samantha.doyle@utc.wa.gov) or (360) 742-4451.

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, 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.

If you need an interpreter, or have other special needs, please fill out and return this form to:

Washington Utilities and Transportation Commission  
Attention: Mark L. Johnson  
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 (\_\_\_\_\_) \_\_\_\_\_