

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

AMERICAN MOVING CO. INC.,

Respondents.

DOCKET TV-230022

COMPLAINT FOR
CANCELLATION OF PERMIT
FOR FAILURE TO PAY
REGULATORY FEES;
NOTICE OF BRIEF
ADJUDICATIVE PROCEEDING;
SETTING TIME FOR ORAL
STATEMENTS
**(Set for March 1, 2023,
at 2 p.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 American Moving Co., Inc., (American) is an Idaho corporation that engages in business as a
household goods carrier under Commission-issued permit HG-064423.

II. BACKGROUND

4 Each household goods carrier must remit to the Commission regulatory fees intended to
cover the cost of regulating the household goods industry. The fee is fixed by rule as a
percentage of a household goods carrier’s annual intrastate gross operating revenues. Each
carrier must remit these fees to the Commission every year by May 1.

5 Staff conducted its 2022 annual compliance review of the payment of regulatory fees by
household goods carriers holding permits from the Commission. This review generated a list
of companies that have failed to pay regulatory fees.

6 American did not pay regulatory fees by May 1, 2022, nor has it since paid those fees.

III. JURISDICTION

7 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 81.04.080, RCW 81.04.110, RCW 81.04.460, RCW 81.80.321, WAC 480-07-610, WAC 480-15-450, and WAC 480-15-480.

III. APPLICABLE LAW

8 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.

9 Household goods carriers are common carriers. RCW 81.04.010(11). Every common carrier is a public service company. RCW 81.04.010(16).

10 Each household goods carrier must pay a regulatory fee of 0.25 percent of its gross income from intrastate operations for each calendar year. RCW 81.80.321; WAC 480-15-480(3), (4). Carriers must pay regulatory fees by May 1 based on the prior year's operations. WAC 480-15-480(4).

11 Failing to pay regulatory fees subjects a household goods carrier to cancellation of its permit. WAC 480-15-450(1)(a); WAC 480-15-480(4)(b).

IV. CAUSE OF ACTION

12 Staff alleges that by failing to pay regulatory fees by May 1, 2022, American violated RCW 81.80.321 and WAC 480-15-480.

V. REQUEST FOR RELIEF

13 Staff requests that the Commission find that the American failed to comply with RCW 81.80.321 and WAC 480-15-480 by failing to pay regulatory fees due May 1, 2022.

14 Staff requests that the Commission cancel American's household goods carrier permit pursuant to its authority under WAC 480-15-450(1)(a) and WAC 480-15-480.

VI. PROBABLE CAUSE

15 Based on a review of the Declaration of Rachel Stark, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

VII. NOTICE OF BRIEF ADJUDICATIVE PROCEEDING

16 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate to

determine whether the Commission should cancel American Moving Co., Inc.'s household goods carrier permits.

17 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 2 p.m., March 1, 2023. To attend the hearing by telephone, please call (253) 215-8782 and enter the Meeting ID: 862 9086 9281# and Passcode: 062128#. To attend via Zoom, please use the following link: [Click to Join Meeting](#).**

18 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.

19 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Lacey, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

20 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding 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.**

22 If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

23 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98504

Representative: Jeff Roberson
Assistant Attorney General
P.O. Box 40128
Olympia, WA 98504-0128
(360) 522-0614
jeff.roberson@utc.wa.gov

Respondent: American Moving Co., Inc.
Mary Higginson, Registered Agent
508 Cromwell
Colfax, WA 99111

- 24 Administrative Law Judge Rayne Pearson from the Utilities and Transportation Commission's Administrative Law Division will preside at the hearing.¹
- 25 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 Olympia, Washington, and effective January 30, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael Howard
MICHAEL HOWARD
Administrative Law Judge

Inquiries may be addressed to:

Amanda Maxwell
Executive Director and Secretary
Washington Utilities and
Transportation Commission
621 Woodland Square Loop S.E.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

¹ Judge Pearson may be reached by email at rayne.pearson@utc.wa.gov or by phone at (360) 664-1136.

NOTICE

Hearings are accessible to persons with disabilities and persons who do not speak English as a first language. 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.

If you need an interpreter, or have other special needs, please provide the information requested below via email to Paige Doyle, paralegal, at paige.doyle@utc.wa.gov:

(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: _____