

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

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

JFS TRANSPORT, INC., D/B/A COAST  
MOVERS

DOCKET TV-200861

ORDER 01

ORDER INSTITUTING SPECIAL  
PROCEEDING; COMPLAINT  
SEEKING TO IMPOSE  
PENALTIES;

and

NOTICE OF PREHEARING  
CONFERENCE  
(Set for January 12, 2021,  
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 JFS Transport Inc., d/b/a Coast Movers, (JFS or Company) is a Washington limited liability company engaging in business as a household goods carrier.

**II. BACKGROUND**

4 In September 2018, the Commission entered Order 02 in Docket TV-180315 (Order 02) to approve a settlement that resolved a Staff complaint against JFS for various violations of the public service laws, including violations of WAC 480-15-490, arising from JFS's improper charging of customers separately for operational expenses already incorporated into the household goods carrier tariff.<sup>1</sup>

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<sup>1</sup> See generally *Wash. Utils. & Transp. Comm'n v. JFS Transport, Inc. d/b/a Coast Movers*, Docket TV-180315, Order 02 (Sept. 24, 2018).

- 5 By approving the settlement, the Commission imposed a \$15,000 penalty against JFS for the violations alleged in the complaint,<sup>2</sup> which the Company admitted.<sup>3</sup> The Commission suspended a \$10,000 portion of the penalty subject to the Company's avoiding repeat violations for a period of two years.
- 6 On March 2, 2020, the Commission entered an order canceling JFS's household goods carrier permit due to the Company's failure to file the required annual report with the Commission.<sup>4</sup> Accordingly, after that date, JFS lacked authority to engage in business as a household goods carrier.
- 7 In the spring and summer of 2020, members of Staff's Consumer Protection and Communications Division reviewed JFS's compliance with the terms of the settlement adopted by the Commission in Order 02. While reviewing records provided by JFS, Staff discovered that JFS charged 22 customers a transportation fee, which included a fuel charge.<sup>5</sup>
- 8 During its review, Consumer Protection Staff also discovered that the Commission had cancelled JFS's household goods carrier permit in March 2020.<sup>6</sup>
- 9 On September 3, 2020, a Staff investigator reviewed JFS's Facebook page and discovered that the Company was advertising moving services.<sup>7</sup> The advertisement listed JFS's now inactive Commission-issued household goods carrier permit number, HG-064232.<sup>8</sup>
- 10 The investigator used the chat function on JFS's Facebook page to inquire about booking a move in Tacoma on September 7, 2020.<sup>9</sup>
- 11 On September 4, 2020, a JFS employee contacted Staff's investigator to discuss the request for a quote.<sup>10</sup> The investigator told the employee that she sought to move her mother from a one-bedroom apartment to another one-bedroom apartment in different ZIP code.<sup>11</sup>

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<sup>2</sup> *Id.* at 7-8 ¶ 38.

<sup>3</sup> *Id.* at 2 ¶ 8.

<sup>4</sup> *Wash. Utils. & Transp. Comm'n v. A-1 Piano Moving et al.*, Docket TV-191046, Order 01, at 4 ¶ 7, 6 ¶¶ 19-20, 7 ¶¶ 22-23 (Mar. 2, 2020).

<sup>5</sup> Decl. of Jacque Hawkins-Jones at 3 ¶ 9 (Hawkins-Jones Decl.).

<sup>6</sup> *Id.* at 3 ¶ 13.

<sup>7</sup> Decl. of Susie Paul at 1 ¶ 3.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*; *see id.* at 2 ¶ 4.

<sup>10</sup> *Id.* at 2 ¶ 4.

<sup>11</sup> *Id.* at 2 ¶ 6.

- 12 Based on that information, the employee provided a price quote including a flat transportation fee of \$395 and an hourly rate of \$165 for two movers and the truck.<sup>12</sup>
- 13 The employee then asked about the furniture the investigator wished to move.<sup>13</sup> She informed him that she wished to move typical furniture, although she also stated the move would involve a heavy bed.<sup>14</sup>
- 14 Upon hearing more specific details about the move, the employee informed the investigator that JFS would use a third mover and offered a final price quote of \$1,029, which included a \$100 discount.<sup>15</sup>
- 15 On October 13, 2020, another Staff investigator reviewed JFS's website and discovered that the Company was advertising moving services.<sup>16</sup> Again, the advertisement listed JFS's now inactive household goods carrier permit number, HG-064232.<sup>17</sup>
- 16 During the October 13, 2020, visit to the website, Staff's investigator requested a quote for moving services between two ZIP codes in Washington on October 31, 2020, and left contact information with JFS.<sup>18</sup>
- 17 A JFS employee spoke with Staff's investigator by phone on October 20, 2020.<sup>19</sup> He informed the investigator that the Company could not perform the move on October 31 because it had already booked several other big moves.<sup>20</sup> However, the employee stated that JFS could perform the move on either of the two days preceding or following Halloween.<sup>21</sup>
- 18 The employee and Staff's investigator discussed the details of the move.<sup>22</sup> The employee noted that the two ZIP codes involved were roughly 35 miles apart.<sup>23</sup> He asked whether the investigator lived in an apartment and the type of residence she would be moving into.<sup>24</sup> The investigator informed the employee that she was moving from an apartment to another apartment and that she did not have any heavy furniture.<sup>25</sup> During this discussion

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<sup>12</sup> *Id.* at 2 ¶ 7.

<sup>13</sup> *Id.* at 3 ¶ 8.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 3 ¶ 9.

<sup>16</sup> Hawkins-Jones Decl. at 1 ¶ 3.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 1-2 ¶¶ 3

<sup>19</sup> *Id.* at 2 ¶ 4.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 2 ¶ 5.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 2 ¶¶ 5, 6.

the employee asked whether the two apartment complexes had parking spaces sufficiently large to allow for a large moving truck.<sup>26</sup>

- 19 Based on the information provided by the investigator, the employee offered a price quote for the services of three movers and a truck.<sup>27</sup> Specifically, the employee told the investigator that JFS would perform the move for a \$395 transportation fee and an hourly rate of \$185, which he stated he would reduce by \$20 per hour due to JFS's inability to perform the move on October 31.<sup>28</sup> The employee informed the investigator that the company required a \$200 non-refundable deposit.<sup>29</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 term "person" encompasses firms as well as individuals. RCW 81.04.010(6). Specifically included in this term are companies, corporations, and partnerships. WAC 480-15-020.
- 25 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

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<sup>26</sup> *Id.* at 2 ¶ 5.

<sup>27</sup> *Id.* at 2 ¶ 7.

<sup>28</sup> *Id.* at 2 ¶ 7, 3 ¶ 8.

<sup>29</sup> *Id.* at 3 ¶ 8.

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.

- 26 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.
- 27 State law requires the Commission to “fix, construct, compile, promulgate, publish, and distribute tariffs containing compilations of rates, charges, classifications, rules, and regulations to be used by all household goods carriers.” RCW 81.80.150.
- 28 Household goods carriers must “follow the terms, conditions, rates and all other requirements imposed by the commission-published tariff.” WAC 480-15-490(3).
- 29 The Commission’s household goods carrier tariff provides hourly rates for local moves. Tariff 15-C, Item 205, § 1. These “[r]ates include use of vehicle, equipment, and labor for receiving and/or delivering household goods.” Tariff 15-C, Item 205, § 2. Accordingly, “[o]ther services performed in the course of hourly-charged transportation shall be charged the hourly rate and not be assessed additional charges, except when other services require special equipment or materials.” Tariff 15-C, Item 205, § 3.
- 30 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.
- 31 Where the Commission believes that a person is engaged in operations without the necessary permit or certificate, it may institute a special proceeding to adjudicate the issue. RCW 81.04.510.
- 32 If the Commission institutes a special proceeding and determines that a person is operating without the necessary permit or certificate, it is authorized and directed to order the person to cease and desist from such operations. RCW 81.04.510.
- 33 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). If the basis for the violation is advertising, each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation. RCW 81.80.075(4)(a).
- 34 When the Commission finds, after a hearing on a complaint, that a “public service company has charged an amount for any service rendered in excess of the lawful rate in force at the time such charge was made,” it may order the public service company to refund the overcharges, with interest. RCW 81.04.230.

**V. FIRST CAUSE OF ACTION**

35 The Commission re-alleges paragraphs 2 through 34, above.

36 The Commission alleges that JFS violated RCW 81.80.075(1) on at least four occasions by: (1) offering on two occasions 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, (2) advertising on its Facebook page and its website 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 SECOND CAUSE OF ACTION**

37 The Commission re-alleges paragraphs 2 through 34, above.

38 The Commission alleges that JFS violated WAC 480-15-490(3) and Tariff 15-C, Item 205 on at least 22 occasions by charging customers operational expenses, such as truck and fuel charges, already incorporated into the tariff hourly rate.

**VII. REQUEST FOR RELIEF**

39 Staff requests that the Commission, pursuant to its authority under RCW 81.80.075(5), assess penalties of up to \$5,000 for each violation of RCW 81.80.075(1).

40 Staff further requests that the Commission, pursuant to its authority under RCW 81.04.510, order JFS to cease and desist activities subject to regulation under Title 81 RCW until it has obtained the necessary authority from the Commission.

41 Staff requests, pursuant to RCW 81.04.230, that the Commission order JFS to refund to affected customers the overcharges that it improperly billed to them in violation of WAC 480-15-490(3) and Tariff 15-C, Item 205. If JFS cannot refund to any particular customer the amount owed, Staff requests that the Commission require JFS to show cause why it cannot do so.

42 Finally, Staff requests that the Commission order such other or additional relief as is appropriate under the circumstances.

**VIII. PROBABLE CAUSE**

43 Based on a review of the declarations of Susie Paul and 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.

**IX. NOTICE OF PREHEARING CONFERENCE**

44 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.

45 **THE COMMISSION GIVES NOTICE** That it will hold a virtual prehearing conference in this matter at 9:30 a.m. on January 12, 2021. To participate by phone, parties may call (253) 372-2181 and enter the conference ID: 599 477 27#. To participate via Microsoft Teams, parties may use the following link: [Click here to join the meeting](#).

46 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.

47 **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.

48 **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.

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

Carrier: JFS Transport, Inc. d/b/a Coast Movers  
Jonathon Sheridan, Registered Agent and Governor  
P.O. Box 190  
Gig Harbor, WA 98335-0190  
[JFSMoving@yahoo.com](mailto:JFSMoving@yahoo.com)

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](mailto:jeff.roberson@utc.wa.gov)

50 Administrative Law Judge Samantha Doyle, from the Commission's Administrative Law Division, will preside during this proceeding.<sup>30</sup>

51 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 December 1, 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

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<sup>30</sup> Judge Doyle can be reached by email at [samantha.doyle@utc.wa.gov](mailto:samantha.doyle@utc.wa.gov) or by phone at (360) 664-1164.



**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 (\_\_\_\_\_) \_\_\_\_\_