

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Ivan Ratko d/b/a Best Moving & Delivery,  
Request for Mitigation of Penalty  
Assessment

DOCKET TV-110977

NARRATIVE IN SUPPORT OF  
SETTLEMENT AGREEMENT

**I. INTRODUCTION**

1           This Narrative Supporting Settlement Agreement (“Narrative”) is filed pursuant to  
WAC 480-07-740(2)(a) on behalf of Ivan Ratko d/b/a Best Moving & Delivery (“Best  
Moving”) and Staff of the Utilities and Transportation Commission (“Commission Staff”)  
(collectively, “the Parties”). Both parties have signed the Settlement Agreement  
 (“Agreement”), which is attached to this Narrative. This Narrative summarizes the  
Agreement. It is not intended to modify any terms of the Agreement.

**II. PROPOSAL FOR REVIEW PROCEDURE**

2           The Parties submit that this matter is considerably less complex than a general rate  
proceeding and request that review proceed on a timetable for less complex matters, as  
provided in WAC 480-07-740(1)(b). To the knowledge of either party, there are no  
opponents of the settlement. Because of the less complex nature of the matter and the  
uncontested status of the settlement, the Parties suggest that a formal settlement hearing  
along with the opportunity for public comment are unnecessary in this case.

3           The Parties do not intend to file documentation supporting the Agreement, with the  
exception of the Agreement itself and this Narrative. If the Commission requires supporting  
documents beyond the Agreement, Narrative, and the other documents on file in this docket,  
the Parties will provide documentation as needed.

4 In keeping with WAC 480-07-740(2)(b), the Parties are prepared to present one or  
more witnesses each to testify in support of the proposal, and answer questions concerning  
the settlement agreement's details and its costs and benefits, should such testimony be  
required.

5 The Parties request a streamlined review of the proposed settlement. To that end, the  
Parties would prefer an informal review on a paper record. In accordance with WAC 480-  
07-730, the Parties propose the foregoing procedural alternatives for review of the proposed  
Agreement.

### **III. SCOPE OF THE UNDERLYING DISPUTE**

6 The underlying dispute concerns a penalty assessment issued by the Commission  
against Best Moving on January 26, 2012. In 2011, Commission Staff conducted a formal  
investigation of the business practices of Best Moving, with the intention of determining  
whether Best Moving was in compliance with Commission statutes and rules. In December  
2011, Commission Staff completed an Investigation Report that contained, among other  
things, its findings that Best Moving had violated certain Commission rules.

### **IV. SUMMARY OF PROPOSED SETTLEMENT**

7 The settlement resolves all of the issues in dispute. Best Moving admits that it  
violated Commission rules and agrees to pay a \$200 penalty for violations of WAC 480-15-  
610 (use of an unauthorized trade name, lack of a physical business address on website, and  
misleading, false, or deceptive web advertising) and WAC 480-15-800 (failure to provide  
accurate information regarding the filing of claims for loss or damage). At the end of one  
year from the date of this Narrative, Commission Staff will reinvestigate Best Moving. Best  
Moving commits to compliance with Commission statutes and rules.

8           Finally, the Commission is not precluded from pursuing penalties for violations of Commission statutes and rules unrelated to the subject matter of this Agreement, or for violations of the rules stated therein, subsequent to the Agreement.

**V.     STATEMENT OF PARTIES' INTERESTS AND THE PUBLIC INTEREST**

9           As stated in the Agreement, the settlement represents a compromise of the positions of the two parties. The Parties find it is in their best interests to avoid the expense, inconvenience, uncertainty, and delay inherent in a litigated outcome. It is in the public interest that this dispute conclude without further expenditure of public resources on litigation. Likewise, it is in the public interest that the Agreement includes Best Moving's admission that it violated Commission rules. It is also in the public interest that the Agreement does not limit the Commission's enforcement abilities with respect to future violations, or violations of Commission statutes and rules unrelated to the subject matter of the docket.

10          For the above reasons, the Agreement is in the public interest. The Parties recommend that the Commission approve the Agreement in its entirety.

**VI.    LEGAL POINTS THAT BEAR ON PROPOSED SETTLEMENT**

11          In WAC 480-07-700, the Commission expresses its support for parties' informal efforts to resolve disputes without the need for contested hearings when doing so is lawful and consistent with the public interest. The Parties have resolved all of the issues in dispute between them, and their resolution complies with Commission rules and, as explained above, is consistent with the public interest.

**VII. CONCLUSION**

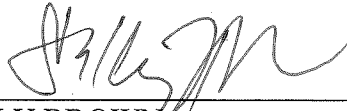
12

Because the Parties have negotiated a compromise on all of the issues in this dispute, and because the settlement is in the public interest, both parties request that the Commission approve the attached Settlement Agreement.

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

BEST MOVING & DELIVERY

ROBERT M. MCKENNA  
Attorney General



\_\_\_\_\_  
SALLY BROWN  
Senior Assistant Attorney General  
Counsel for the Washington Utilities and  
Transportation Commission Staff

\_\_\_\_\_  
IVAN RATKO

Dated: March 12, 2012

Dated: \_\_\_\_\_, 2012

and because the settlement is in the public interest, both parties request that the Commission approve the attached Settlement Agreement.

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

BEST MOVING & DELIVERY

ROBERT M. MCKENNA  
Attorney General

\_\_\_\_\_  
SALLY BROWN  
Senior Assistant Attorney General  
Counsel for the Washington Utilities and  
Transportation Commission Staff

  
\_\_\_\_\_  
IVAN RATKO

Dated: \_\_\_\_\_, 2011

Dated: 03/12/2012, 2011