

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

IRVINGTON TRANSFER AND
STORAGE D/B/A ITS GLOBAL
RELOCATION SERVICES,

Respondent.

DOCKET TV-091445

NARRATIVE SUPPORTING
SETTLEMENT AGREEMENT

I. INTRODUCTION

1 This Narrative Supporting Settlement Agreement (Narrative) is filed pursuant to WAC 480-07-740(2)(a) on behalf of both Irvington Transfer and Storage d/b/a ITS Global Relocation Services (ITS Global or Company) and Staff of the Utilities and Transportation Commission (Staff). 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. PROPOSALS 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. In addition, both Staff counsel and the Company president are available to respond to any questions regarding the proposed settlement that the Commission may have.

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 penalties assessed by the Commission against ITS Global. In 2009, Staff conducted a follow-up compliance audit of the business practices of ITS Global. The compliance audit included a review of documents from all residential moves performed by ITS Global in May 2009 (one move), and the Company's complaint and claim information from January through May, 2009. Staff found violations of laws and rules enforced by the Commission and compiled its findings along with technical assistance

and recommendations in an audit report dated November 2009.¹ Based on the recommendations in the report, the Commission assessed a \$900 penalty against ITS Global on December 4, 2009.²

7 ITS Global filed a Request for Hearing on December 15, 2009, in which it stated that some of the violations occurred, but with misunderstanding of rules, while some violations did not occur.³ Commission Staff did not oppose setting the matter for hearing.⁴ On December 30, 2009, the Commission set the matter for a Brief Adjudicative Proceeding on January 28, 2010.⁵ The parties subsequently discussed settlement and negotiated an agreement of the issues in dispute. On January 15, 2010, the parties notified the Commission that agreement had been reached, and the Commission suspended the procedural schedule on January 20, 2010.⁶

IV. DESCRIPTION OF PROPOSED SETTLEMENT

8 The settlement resolves all of the issues in dispute. The settlement reduces the penalty amount to \$400, payable on the first day of the first month after the Commission approves the Settlement.⁷ ITS Global admits to violations.⁸ ITS Global commits to compliance with all applicable Commission rules and statutes.⁹ The Commission is not precluded from pursuing penalties for violations of Commission rules unrelated to the

¹ See Staff Investigation Report of the Business Practices of Irvington Transfer and Storage d/b/a ITS Global Relocation Services, dated November 10, 2009, in Docket TV-091445.

² See Notice of Penalties Incurred and Due for Violations of Laws and Rules, issued December 5, 2009, Docket TV-091445.

³ See Request for Hearing, on behalf of ITS Global, December 15, 2009, Docket TV-091445.

⁴ See Commission Staff's Response to ITS' Request for Hearing, December 17, 2009, Docket TV-091445.

⁵ See Notice of Brief Adjudication, Setting Time for Oral Statements, Docket TV-091445.

⁶ See Notice Suspending Procedural Schedule and Establishing Date for Filing Settlement Documents, Docket TV-091445.

⁷ See Settlement Agreement, at ¶¶ 6-7.

⁸ *Id.* at ¶ 8.

⁹ *Id.* at ¶ 8.

subject matter of the Agreement or for subsequent violations of the rules and statutes stated in the Agreement.¹⁰

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. Likewise, it is in the public interest that this dispute conclude without the further expenditure of public resources on litigation expenses. The payment of penalties, the Company's admission of violations, and its commitment in the Agreement to comply with Commission rules and statutes, is in the public interest. It is also in the public interest that the Agreement does not limit the Commission's enforcement abilities with respect to subsequent violations, or violations of Commission rules and statutes unrelated to the subject matter of the docket.

VI. LEGAL POINTS THAT BEAR ON PROPOSED SETTLEMENT

10 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

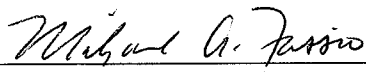
11 Because the parties have negotiated a compromise on all of the issues in this dispute and because the settlement is in the public interest, both parties request that the Commission approve the attached Settlement Agreement.

¹⁰ *Id.*

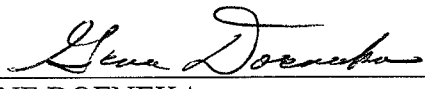
Respectfully submitted this 1st day of ~~January~~ ^{February}, 2010.

ROBERT M. MCKENNA
Attorney General

IRVINGTON TRANSFER AND STORAGE
D/B/A ITS GLOBAL RELOCATION
SERVICES



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