

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Eric Stewart d/b/a Ironman Moving
Services, Request for Mitigation of Penalty
Assessment

DOCKET TV-120268

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 Eric Stewart d/b/a Ironman Moving Services
 (“Ironman”) 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 Ironman on July 26, 2012. In 2012, Commission Staff conducted a formal follow-up
investigation of the business practices of Ironman, with the intention of determining whether
Ironman was in compliance with Commission statutes and rules. In July 2012, Commission
Staff completed an Investigation Report that contained, among other things, its findings that
Ironman had violated certain Commission rules.

IV. SUMMARY OF PROPOSED SETTLEMENT

7 The settlement resolves all of the issues in dispute. Ironman admits that it violated
Commission rules and agrees to pay a \$600 penalty for violations of RCW 81.04, WAC
480-15, and Tariff 15-C, including failure to timely respond to the Commission's data
request, failure to properly format and complete estimates, failure to properly format and
complete bills of lading, use of an unauthorized trade name, failure to adhere to advertising
requirements, and failure follow the terms, conditions, rates, and other requirements of
Tariff 15-C. The \$600 penalty represents a \$100 penalty for each of six categories of
offenses identified in the Penalty Assessment and detailed in the Commission's

Investigation Report in this docket. The penalty will be paid within 30 days of the entry of the Commission's Initial Order in this docket, in the event the Commission approves this Settlement. The Company agrees that Kelly and Eric Stewart and at least one other employee will attend the Commission's upcoming October 10, 2012, Household Goods Carrier Training. Ironman 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 Ironman'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. Also, since being notified of the violations and the technical assistance contained in the Investigation Report, the Company has demonstrated to Commission Staff sincere efforts to achieve and maintain compliance going forward, including attending Commission-sponsored household goods training in September, 2012, providing Commission Staff with copies of new compliant estimate and bill of lading forms, correcting its website, and working with Commission Staff to update its corporate structure and trade name to conform with Commission rules.

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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

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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


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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.

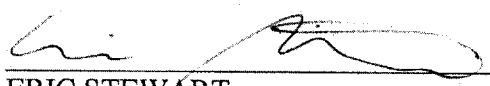
WASHINGTON UTILITIES AND
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ERIC STEWART
President

Dated: September 26, 2012

Dated: 9-26, 2012