

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

CHERYL BALL d/b/a ACME MOVING
LABOR

DOCKET TV-161206

ORDER 03

NOTICE OF BRIEF
ADJUDICATIVE PROCEEDING;
ORDER SETTING TIME FOR
ORAL STATEMENTS

**(Set for Monday, March 6, 2017,
at 9:30 a.m.)**

- 1 The Washington Utilities and Transportation Commission (Commission) initiated this special proceeding to determine whether Cheryl Ball d/b/a Acme Moving Labor (Acme Moving Labor or Company) has engaged, and continues to engage, in business as a common carrier for transportation of household goods for compensation within the state of Washington without possessing the permit required for such operations.
- 2 On January 5, 2017, the Commission entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; Notice of Mandatory Appearance at Hearing (Order 01). Order 01 required the Company to appear before the Commission at a group classification proceeding scheduled for January 25, 2017, at 9 a.m.
- 3 On January 11, 2017, Acme Moving Labor filed a Notice of Appearance of Counsel, Request for Hearing, and Request to Continue Appearance before ALJ Scheduled for January 25, 2017. On January 18, 2017, the Commission entered Order 02, Order Granting Request for Hearing (Order 02). Order 02 directed Commission staff (Staff) to confer with the Company and propose a date and time for the Commission to conduct a brief adjudicative proceeding (BAP).
- 4 On January 24, 2017, Staff filed a letter notifying the Commission that the parties were unable to agree on a date and time for the BAP. The Company requests the Commission schedule the BAP on or after May 17, 2017, due to scheduling conflicts and its pending public records request with the Commission. Staff requests a hearing date on or before March 6, 2017, because it is concerned that the Company continues to operate as a household goods carrier without a permit.

5 The Commission finds that delaying this special proceeding, which alleges unpermitted operations that may injuriously affect consumers, would be contrary to the public interest. Accordingly, the Commission adopts Staff's recommendation.

6 **THE COMMISSION GIVES NOTICE that it will hold a brief adjudicative proceeding in this matter at 9:30 a.m. on Monday, March 6, 2017, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

7 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.

8 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 Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

9 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5 p.m. on Monday, February 27, 2017**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and WAC 480-07-145.

10 **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.**

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

Carrier: Cheryl Ball
Acme Moving Labor
839 1st Avenue North
Kent, WA 98032

Representative: Elizabeth Steen
Washington Business Advocates
1001 Fourth Ave. Ste. 3200
Seattle, WA 98154
(206) 747-3029
Fax: (206) 494-7833
liz@washingtonbusinessadvocates.com

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Andrew J. O'Connell
Office of the Attorney General
Utilities and Transportation Division
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1192
aconnel@utc.wa.gov

12 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective January 26, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge

NOTICE

PLEASE NOTE: Hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Steven King, 1300 S. Evergreen Park Drive SW, 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 No.: (_____)_____