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1 BEFORE THE WASHINGTON

2 UTILITIES AND TRANSPORTATION COMMISSION

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4 WASHINGTON UTILITIES AND )

TRANSPORTATION COMMISSION, )

5 )

Complainant, )

6 )

vs. )DOCKET NO. TV-170902

7 )

ALL STAR TRANSFER, LARON WILLIAMS )

8 INC.; AMERICAN MOVING CO. INC.; )

BENS MOVING & DELIVERY SERVICES )

9 INC.; CREECH AND SON LLC; LISHU )

CUI; BENJAMIN LEO FISHER; FRIENDS )

10 & FAMILY MOVING & STORAGE, INC.; )

GIGANTIC MOVING & STORAGE LLC; )

11 LINCOLN MOVING & STORAGE COMPANY, )

INC.; SPEEDY DELIVERY LLC; STAR )

12 MOVING & STORAGE INC.; URBAN )

DELIVERY SERVICE, LLC, )

13 )

)

14 Respondent. )

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HEARING, VOLUME I

16

Pages 1-22

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ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

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19 9:00 a.m.

October 17, 2017

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Washington Utilities and Transportation Commission

21 1300 South Evergreen Park Drive SW

Olympia, Washington 98504

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1 A P P E A R A N C E S

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ADMINISTRATIVE LAW JUDGE:

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4 RAYNE PEARSON

Washington Utilities and

5 Transportation Commission

1300 South Evergreen Park Drive SW

6 Olympia, Washington 98504

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8

9 FOR COMMISSION STAFF:

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ALSO PRESENT:

16

SEAN BENNETT

17 Witness

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1 OLYMPIA, WASHINGTON; OCTOBER 17, 2017

2 9:00 A.M.

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P R O C E E D I N G S

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6 JUDGE PEARSON: We will be on the record.

7 This is Docket TV-170902. It's shortly after 9:00 a.m.

8 on October 17th, 2017, which is the time set for hearing

9 the Commission's complaint against 12 household goods

10 carriers seeking to cancel their permits for failure to

11 file their annual reports and pay regulatory fees.

12 My name is Rayne Pearson. I'm the

13 administrative law judge presiding over this proceeding.

14 So let's start by taking an appearance from

15 Commission Staff, who is the only party appearing in the

16 hearing room this morning.

17 MS. CAMERON-RULKOWSKI: Appearing on behalf

18 of Commission Staff, Jennifer Cameron-Rulkowski,

19 Assistant Attorney General, and next to me is Sean

20 Bennett, S-e-a-n, B-e-n-n-e-t-t.

21 JUDGE PEARSON: Thank you.

22 So before I go through the list of the

23 companies named in the complaint, see if any of them are

24 on the bridge line today, I'll go ahead and ask whether

25 Staff is going to move to dismiss complaint -- or the

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1 complaint against any of those companies.

2 MS. CAMERON-RULKOWSKI: Yes, Your Honor.

3 We'll be asking to dismiss the complaint against All

4 Star Transfer, American Moving Company, Bens Moving &

5 Delivery Services, Friends & Family, Gigantic Moving &

6 Storage, Lincoln Moving & Storage, Speedy Delivery, Star

7 Moving & Storage, Urban Delivery Service, and Creech and

8 Son.

9 JUDGE PEARSON: Okay. So we can take your

10 motion to dismiss up first if you'd like to do that, and

11 we can walk through each of the companies and talk about

12 how they've come into compliance.

13 MS. CAMERON-RULKOWSKI: Certainly, Your

14 Honor. So we will be asking to dismiss the complaint

15 against those companies that I just listed, and for all

16 of them, except for Creech and Son, it is because they

17 have come into compliance. And for Creech and Son, this

18 company has already been -- had its permit cancelled,

19 and that happened in between the time the complaint in

20 this proceeding was filed and the hearing today.

21 And then in addition, we will be asking the

22 Commission to hold two of the companies in default for

23 failure to appear at this hearing, if indeed they have

24 not appeared, and that is Lishu Cui and Benjamin Leo

25 Fisher.

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1 JUDGE PEARSON: Okay. So for Creech and

2 Son, was that a voluntary cancellation of their permit

3 or was it cancelled for failure to maintain insurance?

4 MS. CAMERON-RULKOWSKI: The latter, Your

5 Honor.

6 JUDGE PEARSON: Okay. And it looks like

7 you've submitted exhibits of each of the companies when

8 they filed their annual reports and copies of those

9 annual reports?

10 MS. CAMERON-RULKOWSKI: That's correct, and

11 then there's also evidence showing that they've paid

12 regulatory fee. And for Creech and Son, we also have an

13 exhibit showing that the permit's been cancelled.

14 JUDGE PEARSON: Okay. Great.

15 So did you want to walk through those or

16 just move to have them admitted?

17 MS. CAMERON-RULKOWSKI: So I -- so they're

18 fairly self-explanatory in terms of annual report. The

19 only difference might be is that some of them, if you

20 look at the dates, it's -- some of the dates are stamped

21 and some of them are dated. So that might be the only

22 difference, but the matter -- the fact of the matter is

23 that they have come into compliance and they can be

24 dismissed. So we probably could dispense with our

25 testimony on that matter if that's acceptable given that

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1 it's somewhat self-explanatory.

2 JUDGE PEARSON: Okay.

3 MS. CAMERON-RULKOWSKI: The only -- the only

4 item is to perhaps take a look at, say, the UTC revenue

5 tracking system receipt for American Moving Company,

6 which is SB-2, and to make sure that that's -- that

7 that's clear. It should also be self-explanatory

8 showing that they have paid, but if there's any

9 questions about that, we could walk through that.

10 JUDGE PEARSON: Okay. That's fine. I can

11 see that.

12 MS. CAMERON-RULKOWSKI: All right. And the

13 other outlier there would be All Star Transfer, who just

14 came into compliance yesterday, and so we have an

15 alternate form showing that they've paid their

16 regulatory fee. Again, it should be somewhat

17 self-explanatory, but I recognize that it's a very small

18 printout. And so if you do have any questions, we could

19 walk through that.

20 JUDGE PEARSON: Okay. It is small, but I

21 can see it.

22 MS. CAMERON-RULKOWSKI: All right. If you

23 didn't have any questions, then Staff would offer all of

24 the exhibits that are listed here on the exhibit list

25 for admission into evidence.

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1 JUDGE PEARSON: Okay. And I will admit

2 these and mark them AH-1 and then SB-1 through SB-19.

3 (Exhibit Nos. AH-1 and SB-1 through

4 SB-19 admitted.)

5 MS. CAMERON-RULKOWSKI: All right. Then I

6 would go ahead at this point and discuss service if that

7 is acceptable to you, Your Honor.

8 JUDGE PEARSON: Sure, and just to be sure, I

9 did not hear any indication that there's anyone on the

10 bridge line, but I will give anyone who might be an

11 opportunity to speak up now, specifically Lishu Cui?

12 MS. CAMERON-RULKOWSKI: Cui, I believe.

13 JUDGE PEARSON: Cui, Lishu Cui or Benjamin

14 Leo Fisher?

15 Okay. Hearing nothing, we can proceed.

16 MS. CAMERON-RULKOWSKI: Thank you, Your

17 Honor. Each of the respondent companies in this

18 proceeding was served by the Commission by mail and

19 email, and the proof of service has now been admitted

20 into the record, and that is AH -- that is Exhibit AH-1,

21 and that is attached to the declaration of Ashley Huff,

22 which is part of Exhibit AH-1.

23 As you can see from the declaration, the

24 Commission sent the complaint and notice of hearing to

25 the respondents on September 7th, 2017, by first class

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1 mail, by certified mail, with return receipt requested

2 and by email at the addresses on file with the

3 Commission. New procedural rules went into effect at

4 the Commission on March 31, 2017. The Commission

5 service requirements at WAC 480-07-150 now provide that

6 the Commission can serve most documents by electronic

7 mail as well as by first class mail and where proof of

8 service is required, certified mail or personal

9 delivery.

10 The electronic service -- excuse me, the

11 rulemaking order for the new procedural rules in Docket

12 A-130355 makes clear that electronic service is allowed

13 for adjudications. And I would cite to paragraph 16 in

14 the rulemaking order and the comment matrix at WAC --

15 and the comment matrix that is attached to the order.

16 This is important because both the first class and

17 certified mailings of this complaint were returned to

18 the Commission for two companies, Lishu Cui and Benjamin

19 Leo Fisher, and they have not come into compliance.

20 As stated in the declaration of Ashley Huff,

21 however, there were no errors or other transmission

22 errors with the electronic service. The instant

23 proceeding is an adjudication, therefore under the

24 Commission's rules, the respondent companies were

25 properly served by electronic service. I will also

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1 mention here that a procedural rule, WAC 480-07-150,

2 Subsection 2, requires each regulated company to provide

3 the Commission with current, accurate, and complete

4 contact information for the company itself and at least

5 one person who owns the company or is authorized to

6 receive Commission service of documents on behalf of the

7 company. And the contact information for service on the

8 company must include an email address under

9 WAC 480-07-150, Subsection 3.

10 And I do have a few questions for

11 Mr. Bennett regarding these two companies once he's

12 sworn in, but at this point, Staff asks the Commission

13 to find Lishu Cui and Benjamin Leo Fisher in default

14 under RCW 34.05.440 and WAC 408-07-450 for failure to

15 appear at the hearing. And Staff further requests under

16 these authorities that the Commission proceed with the

17 hearing and dispose of any other issues.

18 JUDGE PEARSON: Okay. And that motion is

19 granted. So Lishu Cui and Benjamin Leo Fisher will be

20 held in default.

21 MS. CAMERON-RULKOWSKI: And at this point, I

22 would like to call Sean Bennett.

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1 SEAN BENNETT, witness herein, having been

2 first duly sworn on oath,

3 was examined and testified

4 as follows:

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6 JUDGE PEARSON: Okay. Please be seated.

7 MR. BENNETT: Good morning, Your Honor.

8 JUDGE PEARSON: Good morning.

9

10 E X A M I N A T I O N

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12 BY MS. CAMERON-RULKOWSKI:

13 Q. Good morning, Mr. Bennett.

14 A. Good morning.

15 Q. Please state your name for the record.

16 A. Sean Bennett, and it's spelled S-e-a-n,

17 B-e-n-n-e-t-t.

18 Q. Please state the name of your employer.

19 A. It is the Washington Utilities and

20 Transportation Commission.

21 Q. In what position are you employed by the

22 Commission?

23 A. I am a regulatory analyst.

24 Q. And how long have you been employed in this

25 position?

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1 A. I've been in this position for almost two years.

2 Recently, I did make a move to the regulatory services

3 section about two months ago. Prior to that, I acted in

4 the financial services section.

5 Q. And when you began working on this proceeding,

6 in -- in which section were you working?

7 A. Financial services.

8 Q. And how long have you been employed with the

9 Commission?

10 A. Just under two years.

11 Q. Please briefly describe your responsibilities as

12 they pertain to this matter.

13 A. I oversee the annual report process that

14 includes updating the annual report forms, making them

15 available to companies, and also processing those annual

16 reports as they come in. As they come in, or don't in

17 some circumstances, I help with the penalty assessment

18 process and ultimately process those annual reports that

19 gradually make their way in.

20 Q. And which statutes or rules do you understand to

21 be at issue in this proceeding?

22 A. That would be RCW 81.04.080, which requires

23 public service companies to file the annual report,

24 81.80.321, which requires public companies to pay

25 regulatory fees, and 480-15-480, which requires

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1 household good companies to both file the annual report

2 and pay the regulatory fees by May 1st.

3 Q. And how does the Commission learn the amount

4 that each household goods carrier owes in regulatory

5 fees for a given year?

6 A. Each company self-reports their Washington

7 intrastate revenue and a certain percentage, which is

8 .25 percent, is assessed on that Washington intrastate

9 revenue.

10 Q. So if a household goods carrier fails to file an

11 annual report, does the Commission even know if any

12 regulatory fees are due?

13 A. We don't.

14 Q. Is it possible that a household goods carrier

15 might not owe any regulatory fees?

16 A. It is.

17 Q. Are you familiar with the companies named in

18 this proceeding?

19 A. I am.

20 Q. All right. At this point, I would ask you to

21 please generally describe the annual report and

22 regulatory fee tracking process to show how you're

23 familiar with the companies.

24 A. Of course. In February, we requested the

25 company information be uploaded into ARTS, which is the

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1 annual report tracking system. We then use that to

2 essentially track the annual reports, when they're

3 received, when they're complete, how much of -- in

4 regulatory fees is owed, and when it's paid. We also

5 then use this information after May 1st to run a

6 delinquent report so that penalty assessments can go

7 out. And then as I mentioned earlier, once those

8 penalty assessments go out, companies typically start

9 drawing their complete annual reports, and I use it to

10 track the annual report process.

11 Q. And is there a system in which you track payment

12 of regulatory fees?

13 A. There is. That would be the revenue tracking

14 system that we use.

15 Q. And the exhibits showing the revenue tracking

16 system receipt, those are records from that system?

17 A. They are, that's correct.

18 Q. As you understand the Commission's household

19 goods rules specifically, are household goods carriers

20 required to provide the Commission with a current

21 mailing or email address?

22 A. They are.

23 Q. And do you happen to know which rule requires

24 that?

25 A. That would be WAC 480-15-065, and it requires

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1 household good companies to update any contact

2 information, basically either their mailing address,

3 their physical address, their phone number or their

4 email address.

5 Q. According to the proof of service in this

6 docket, the complaint was served by certified mail,

7 first class mail, and email. Have you reviewed the

8 declaration of Ms. Huff?

9 A. I have.

10 Q. And have you reviewed the contents of the

11 Commission's docket for this proceeding, Docket

12 TV-170902?

13 A. I have.

14 Q. Does the Commission's docket for this proceeding

15 contain return receipt cards for the certified mailing

16 of the complaint?

17 A. It does.

18 Q. Is there a return receipt card for Lishu Cui or

19 Benjamin Leo Fisher?

20 A. There is not.

21 Q. Did you attempt to contact Lishu Cui?

22 A. Yes.

23 Q. Can you please describe your attempts to contact

24 Lishu Cui?

25 A. I did a Google search. I used the Internet to

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1 find both the individual as well as the DBA, which is

2 Lucky Moving & Remodeling. I was unable to find any new

3 information other than what we have in our records, and

4 I did reach out to two different phone numbers that were

5 on Commission records. Both phone numbers were

6 disconnected.

7 Q. And did you find any advertising for Lishu Cui?

8 A. I did not, no.

9 Q. From your online research and any other research

10 you did, do you believe that Lishu Cui is operating?

11 A. I don't. There was nothing to indicate that

12 this company was active.

13 Q. Did you attempt to contact Benjamin Leo Fisher?

14 A. I did.

15 Q. Can you please describe your attempts to contact

16 Benjamin Leo Fisher?

17 A. I also did an Internet search for Benjamin Leo

18 Fisher as well as the DBA, which is Ben The Mover Guy.

19 I was able to locate information. I did reach out via

20 phone to two different phone numbers, one that was on

21 Commission records as well as one that I located on his

22 website, benthemoverguy.com. I left voicemails on both

23 phone numbers, just reaching out trying to give notice

24 about the hearing and also just letting him know that

25 the annual report was still outstanding and incomplete.

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1 I also did locate an email address on the

2 website, so I did -- essentially I sent an email as well

3 saying the same information, provided the bridge line

4 phone number, and I sent that email to three different

5 email addresses, one that we came -- that he provided

6 later, the original email address, and the email address

7 that he provided on his website. Only one of them was

8 returned, and that was the email address that found its

9 way into our system, but essentially it was delivered to

10 both the email listed on his website as well as the

11 initial email provided on the company's application.

12 In my search, I also did come across a Facebook

13 page, and it seems like this company and individual is

14 now operating in a different state. I did find

15 advertisements in the Philadelphia Greater Area. Also

16 on the Facebook page, there were reviews predominantly

17 in the Philadelphia area. The last review I believe in

18 the state of Washington was in mid 2016.

19 Q. Did you find any advertising for Washington?

20 A. I did not, no.

21 Q. Now, the -- the two emails that you sent out

22 copies of the complaint and notice of hearing to that

23 didn't have an error, was one of those also the email

24 address that was used by the Commission in the original

25 service?

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1 A. It was.

2 Q. And do you remember approximately when you

3 emailed out the copies of the complaint and notice of

4 service --

5 A. That was on October 9th.

6 Q. Thank you.

7 MS. CAMERON-RULKOWSKI: Your Honor, I have

8 no further questions for Mr. Bennett.

9 JUDGE PEARSON: Okay. Great. Thank you.

10 So, Ms. Cameron-Rulkowski, would you like to make a

11 closing statement?

12 MS. CAMERON-RULKOWSKI: I would be happy to

13 do so. My closing statement really consists of

14 categorizing the companies.

15 JUDGE PEARSON: Sure.

16 MS. CAMERON-RULKOWSKI: To summarize, Staff

17 recommends that a number of the companies' permits not

18 be cancelled and that the Commission -- and that the

19 Commission dismiss the complaint against those

20 companies, which I believe we've already covered. Just

21 to be sure, I'll mention it again. And those companies

22 are All Star Transfer, Laron Williams Inc. That's one

23 company. American Moving Company, Inc.; Bens Moving &

24 Delivery Services, Inc.; Friends & Family Moving &

25 Storage, Inc.; Gigantic Moving & Storage LLC; Lincoln

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1 Moving & Storage Company, Inc.; Speedy Delivery LLC;

2 Star Moving & Storage Inc.; Urban Delivery Service.

3 And then Staff also asks that the complaint

4 against Creech and Son LLC be dismissed because the

5 Commission cancelled the company's permit on

6 September 26th, 2017, for failure to provide proof of

7 insurance. And Staff understands that two of the

8 companies who have not come into compliance have been

9 held in default at this point, and that would be Lishu

10 Cui and Benjamin Leo Fisher. And that concludes Staff's

11 summary.

12 JUDGE PEARSON: Okay. Thank you. So I will

13 issue an initial order in this docket reflecting that

14 the complaint has been dismissed against those ten

15 companies that you just named and also reflecting that

16 two companies were held in default today for failing to

17 appear, and the record supports not only holding those

18 companies in default, but also cancelling their

19 household goods permits.

20 MS. CAMERON-RULKOWSKI: Thank you, Your

21 Honor.

22 MR. BENNETT: Thank you, Your Honor.

23 JUDGE PEARSON: Is there anything else?

24 MS. CAMERON-RULKOWSKI: No, there is not.

25 JUDGE PEARSON: Okay. Then we are

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1 adjourned. Thank you very much.

2 MS. CAMERON-RULKOWSKI: Thank you.

3 (Adjourned at 9:24 a.m.)

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3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

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6 I, Tayler Garlinghouse, a Certified Shorthand

7 Reporter in and for the State of Washington, do hereby

8 certify that the foregoing transcript is true and

9 accurate to the best of my knowledge, skill and ability.

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Tayler Garlinghouse, CCR 3358

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