

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

SUPER FRIENDS MOVING, LLC d/b/a  
SUPER FRIENDS MOVING,

Respondent.

DOCKET TV-190835

JOINT NARRATIVE IN SUPPORT  
OF SETTLEMENT AGREEMENT

**I. INTRODUCTION**

1 Pursuant to WAC 480-07-740(3)(a), the regulatory staff (Staff) of the Washington Utilities and Transportation Commission (Commission), the Public Counsel Unit of the Washington State Attorney General’s Office (Public Counsel), and Super Friends Moving LLC d/b/a Super Friends Moving (Super Friends) (collectively the Settling Parties) submit this Joint Narrative In Support of Full Multiparty Settlement Agreement (Narrative). The Narrative describes the disputed issues in this docket and the Settling Parties’ proposed resolution thereof. That resolution is memorialized in the Settlement Agreement (Settlement) filed concurrently with the Narrative. This Narrative summarizes the Settlement; it does not replace or modify any of the Settlement’s terms.

**II. PROPOSAL FOR REVIEW PROCEDURE**

2 The Settling Parties contend that this is a “less complex matter” under WAC 480-07-740(2)(b). Accordingly, the Settling Parties do not believe that conducting a hearing will assist the Commission decide whether to approve and adopt the Settlement.<sup>1</sup>

---

<sup>1</sup> See WAC 480-07-740(2)(e).

3

If the Commission determines that it will conduct a hearing, the Settling Parties will each present one or more witnesses to testify in support of the Settlement and to answer questions concerning the Settlement's details, costs, and benefits.<sup>2</sup> In addition, counsel for each party will be available to address any legal matters associated with the Settlement. If the Commission requires supporting documents beyond the Settlement, Narrative, and the other documents on file in this docket, the parties will provide any documentation needed.

### III. APPLICABLE LAW

4

The Commission regulates common carriers, including household goods carriers.<sup>3</sup> No person may engage in business as a household goods carrier unless he or she first obtains a permit from the Commission authorizing him or her to do so.<sup>4</sup> The Commission may institute a special proceeding to determine whether a person has done so.<sup>5</sup> If the Commission institutes such a special proceeding and determines that a person has, in fact, operated without authority, it must order the person to cease and desist from further violations.<sup>6</sup>

5

A person who engages in business as a household goods carrier without the necessary permit is subject to a penalty of \$5,000 per violation.<sup>7</sup> A person who engages in business as a household goods carrier in violation of a cease and desist order entered by the Commission after a special proceeding is subject to a greater penalty, \$10,000 per violation.<sup>8</sup>

---

<sup>2</sup> See WAC 480-07-740(3)(b).

<sup>3</sup> RCW 80.01.040(1), (2); RCW 81.010.010; RCW 01.04.010(11).

<sup>4</sup> RCW 81.80.075(1).

<sup>5</sup> RCW 81.04.510.

<sup>6</sup> RCW 81.04.510.

<sup>7</sup> RCW 81.80.075(4).

<sup>8</sup> RCW 81.80.075(5).

#### IV. SCOPE OF THE UNDERLYING DISPUTE

6 In April 2017, the Commission entered Order 01 in Docket TV-170206 to institute a  
special proceeding against Super Friends.<sup>9</sup> Later that month, by stipulation, the Commission  
entered Order 02 to classify Super Friends as a household goods carrier, order the company to  
cease and desist, and impose a penalty for engaging in business as a household goods carrier  
without a permit.<sup>10</sup>

7 Super Friends subsequently obtained a household goods carrier permit. The  
Commission canceled that permit in May 2019.

8 In September 2019, Staff discovered evidence that Super Friends was engaging in  
business as a household goods carrier despite the cancellation of its permit. After an  
investigation, the Commission complained against Super Friends through Staff, and Public  
Counsel appeared in the docket.

9 The parties held a settlement conference as required by the prehearing conference  
order in this docket and ultimately agreed to terms to resolve their dispute without a formal  
adjudication.

#### V. DESCRIPTION OF SETTLEMENT AGREEMENT

10 The settlement resolves all of the issues in dispute through the parties' agreement on  
the following terms:

- Penalty – The Settling Parties agree to a penalty of \$20,000, and Super Friends agrees to pay the full penalty amount.
- Payment Plan – Settling Parties agree that Super Friends should be allowed to pay the penalty through a payment plan. The Settling Parties further agree that Super

---

<sup>9</sup> *In re Determining the Proper Carrier Classification of, and Complaint for Penalties Against Jacob Raich d/b/a Super Friends Moving, L.L.C.*, Docket TV-170206, Order 01 (Apr. 2, 2017).

<sup>10</sup> *In re Determining the Proper Carrier Classification of, and Complaint for Penalties Against Jacob Raich d/b/a Super Friends Moving, L.L.C.*, Docket TV-170206, Order 02, 5 ¶¶ 19-21 (Apr. 26, 2017).

Friends will pay the penalty imposed in this docket in four equal monthly installments. In light of COVID-19, the first payment is due by Oct. 1, 2020.

- Super Friends will return a deposit paid by Staff to book one of the moves underlying Staff’s complaint.
- Staff will not oppose any forthcoming household goods carrier permit application by Super Friends based on the unlawful operations that are the subjects of Staff’s complaint if Super Friends:
  - Pays the penalty as described above;
  - Refunds Staff’s deposit as described above;
  - Immediately ceases engaging in business as a household goods carrier until it obtains a permit, including ceasing to advertise for the jurisdictional transport of household goods and ceasing to offer or enter into agreements for the jurisdictional transport of household goods;
  - Attends Commission-sponsored household goods training. If Super Friends attends the household goods carrier orientation in June 2020, Super Friends must also attend the full training offered by the Commission in August 2020;
  - Agrees to an extension of its provisional period to a length of 24 months to allow Staff to verify its compliance with the Commission’s rules and reporting requirements over two annual cycles.
- If Super Friends fails to comply with the terms listed above, Staff will be free to contest any application for household goods authority filed by Super Friends based on its unlawful operations.
- The parties acknowledge that any further violations of RCW 81.80.075 and the cease-and-desist order entered in Docket TV-170206 may result in additional enforcement action by the Commission pursuant to its statutory authority to enforce the public service laws, including a complaint to impose penalties administratively or a petition for judicial enforcement of the Commission’s cease and desist order.

## **VI. STATEMENT OF IMPACT ON THE PUBLIC INTEREST**

11

The Commission supports negotiated resolutions of enforcement actions where the settlement “is lawful and consistent with the public interest.”<sup>11</sup> The parties contend that their Settlement is lawful and consistent with the public interest for three reasons, and that the Commission should therefore approve it without condition under WAC 480-07-750(2)(a).

---

<sup>11</sup> WAC 480-07-700.

12 First, the Settlement avoids the costs of a contested hearing. The Settlement allows the parties to avoid the expense, inconvenience, uncertainty, and delay inherent in a litigated outcome.

13 Second, the Settlement requires Super Friends to pay an appropriate penalty. The company operated in violation of the RCW 81.80.075 and a cease and desist order entered with its stipulation. The penalty that results from the settlement reflects the gravity of those violations.

14 Third, the Settlement appropriately balances Super Friends' interest in legalizing its operations with the Commission's and the public's interest in the safe operation of household goods carriers. Under the Settlement, Super Friends will be able to apply for reinstatement of its household goods carrier permit without facing a fitness challenge by Staff related to the illegal operations that were the subject of Staff's complaint, subject to Super Friends meeting its obligations under this Settlement. Super Friends will also attend the Commission's household goods training and will agree to the extension of its provisional period to a period of two years. This will permit Staff to monitor the company's compliance with the Commission's rules over two annual reporting cycles, allowing Staff to make an informed judgment about Super Friends' fitness for a permanent household goods carrier permit. From Public Counsel's perspective, an extended provisional period will provide the Company with a material opportunity to achieve full compliance with its regulatory requirements.

## **VII. CONCLUSION**

15 The Settlement resolves all of the issues in this docket in a manner that complies with applicable legal requirements and also is consistent with the public interest. The parties

respectfully request that the Commission issue an order approving the Settlement in its entirety without condition.

DATED this 29th day of May 2020.

SUPER FRIENDS MOVING, LLC

---

JACOB RAICH  
Governing Person  
6920 Roosevelt Way NE  
Seattle, WA 98115  
(206) 302-8833

PUBLIC COUNSEL UNIT

ROBERT W. FERGUSON  
Attorney General

---

LISA W. GAFKEN, WSBA No. 31549  
Assistant Attorney General  
Office of the Attorney General  
Public Counsel Unit  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-6595  
[Lisa.Gafken@atg.wa.gov](mailto:Lisa.Gafken@atg.wa.gov)  
Attorney for Public Counsel

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

ROBERT W. FERGUSON  
Attorney General

*/s/ Jeff Roberson*  
JEFF ROBERSON, WSBA No. 45550  
Assistant Attorney General  
Office of the Attorney General  
Utilities and Transportation Division  
P.O. Box 40128  
Olympia, WA 98504  
(360) 664-1189  
[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)  
Attorney for Commission Staff

respectfully request that the Commission issue an order approving the Settlement in its entirety without condition.

DATED this 29th day of May 2020.

SUPER FRIENDS MOVING, LLC



JACOB RAICH  
Governing Person  
6920 Roosevelt Way NE  
Seattle, WA 98115  
(206) 302-8833

PUBLIC COUNSEL UNIT

ROBERT W. FERGUSON  
Attorney General

LISA W. GAFKEN, WSBA No. 31549  
Assistant Attorney General  
Office of the Attorney General  
Public Counsel Unit  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-6595  
[Lisa.Gafken@atg.wa.gov](mailto:Lisa.Gafken@atg.wa.gov)  
Attorney for Public Counsel

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

ROBERT W. FERGUSON  
Attorney General

JEFF ROBERSON, WSBA No. 45550  
Assistant Attorney General  
Office of the Attorney General  
Utilities and Transportation Division  
P.O. Box 40128  
Olympia, WA 98504  
(360) 664-1189  
[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)  
Attorney for Commission Staff

respectfully request that the Commission issue an order approving the Settlement in its entirety without condition.

DATED this 29th day of May 2020.

SUPER FRIENDS MOVING, LLC

---

JACOB RAICH  
Governing Person  
6920 Roosevelt Way NE  
Seattle, WA 98115  
(206) 302-8833

PUBLIC COUNSEL UNIT

ROBERT W. FERGUSON  
Attorney General

*Lisa W. Gafken*

---

LISA W. GAFKEN, WSBA No. 31549  
Assistant Attorney General  
Office of the Attorney General  
Public Counsel Unit  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-6595  
[Lisa.Gafken@atg.wa.gov](mailto:Lisa.Gafken@atg.wa.gov)  
Attorney for Public Counsel

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

ROBERT W. FERGUSON  
Attorney General

---

JEFF ROBERSON, WSBA No. 45550  
Assistant Attorney General  
Office of the Attorney General  
Utilities and Transportation Division  
P.O. Box 40128  
Olympia, WA 98504  
(360) 664-1189  
[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)  
Attorney for Commission Staff