

Docket No. TV-170902 - Vol. I

Washington Utilities and Transportation
Commission v. All Star Transfer, et al.

October 17, 2017



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
))
Complainant,))
))
vs.) DOCKET NO. TV-170902
))
ALL STAR TRANSFER, LARON WILLIAMS)
INC.; AMERICAN MOVING CO. INC.;)
BENS MOVING & DELIVERY SERVICES)
INC.; CREECH AND SON LLC; LISHU)
CUI; BENJAMIN LEO FISHER; FRIENDS)
& FAMILY MOVING & STORAGE, INC.;)
GIGANTIC MOVING & STORAGE LLC;)
LINCOLN MOVING & STORAGE COMPANY,)
INC.; SPEEDY DELIVERY LLC; STAR)
MOVING & STORAGE INC.; URBAN)
DELIVERY SERVICE, LLC,)
))
Respondent.)

HEARING, VOLUME I
Pages 1-22
ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

9:00 a.m.
October 17, 2017

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, Washington 98504

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON
Washington Utilities and
Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, Washington 98504

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ALSO PRESENT:

SEAN BENNETT
Witness

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1 OLYMPIA, WASHINGTON; OCTOBER 17, 2017

2 9:00 A.M.

3 --o0o--

4 P R O C E E D I N G S

5
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

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.

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

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.

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

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

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.

23 /////

24 /////

25 /////

EXAMINATION BY MS. CAMERON-RULKOWSKI / BENNETT

1 SEAN BENNETT, witness herein, having been
2 first duly sworn on oath,
3 was examined and testified
4 as follows:

5
6 JUDGE PEARSON: Okay. Please be seated.

7 MR. BENNETT: Good morning, Your Honor.

8 JUDGE PEARSON: Good morning.

9

10 EXAMINATION

11

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?

EXAMINATION BY MS. CAMERON-RULKOWSKI / BENNETT

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**

EXAMINATION BY MS. CAMERON-RULKOWSKI / BENNETT

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**

EXAMINATION BY MS. CAMERON-RULKOWSKI / BENNETT

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**

EXAMINATION BY MS. CAMERON-RULKOWSKI / BENNETT

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**

EXAMINATION BY MS. CAMERON-RULKOWSKI / BENNETT

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.**

EXAMINATION BY MS. CAMERON-RULKOWSKI / BENNETT

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?

EXAMINATION BY MS. CAMERON-RULKOWSKI / BENNETT

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

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

1 adjourned. Thank you very much.

2 MS. CAMERON-RULKOWSKI: Thank you.

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

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CERTIFICATE

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand
Reporter in and for the State of Washington, do hereby
certify that the foregoing transcript is true and
accurate to the best of my knowledge, skill and ability.

Tayler Garlinghouse, CCR 3358