

Docket No. TV-170902 - Vol. I

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

October 17, 2017



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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 )  
INC.; AMERICAN MOVING CO. INC.; )  
8 BENS MOVING & DELIVERY SERVICES )  
INC.; CREECH AND SON LLC; LISHU )  
9 CUI; BENJAMIN LEO FISHER; FRIENDS )  
& FAMILY MOVING & STORAGE, INC.; )  
10 GIGANTIC MOVING & STORAGE LLC; )  
11 LINCOLN MOVING & STORAGE COMPANY, )  
INC.; SPEEDY DELIVERY LLC; STAR )  
12 MOVING & STORAGE INC.; URBAN )  
DELIVERY SERVICE, LLC, )  
13 Respondent. )

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

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19 9:00 a.m.  
October 17, 2017  
20 Washington Utilities and Transportation Commission  
21 1300 South Evergreen Park Drive SW  
Olympia, Washington 98504  
22 REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358  
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1 APPEARANCES  
2 ADMINISTRATIVE LAW JUDGE:  
3  
4 RAYNE PEARSON  
Washington Utilities and  
5 Transportation Commission  
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6 Olympia, Washington 98504  
7  
8  
9 FOR COMMISSION STAFF:  
10  
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15  
16 ALSO PRESENT:  
17 SEAN BENNETT  
Witness  
18 \* \* \* \* \*  
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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.  
 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.  
 23 ////  
 24 ////  
 25 ////

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

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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**

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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**

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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**

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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**

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**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.**

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**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?

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**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

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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

1 adjourned. Thank you very much.  
 2 MS. CAMERON-RULKOWSKI: Thank you.  
 3 (Adjourned at 9:24 a.m.)  
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1 CERTIFICATE  
 2  
 3 STATE OF WASHINGTON  
 4 COUNTY OF THURSTON  
 5  
 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.  
 10  
 11 \_\_\_\_\_  
 12 Tayler Garlinghouse, CCR 3358  
 13  
 14  
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