

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WESTERN VAN LINES, INC., d/b/a	)	DOCKET TV-061577
WESTERN VAN & STORAGE,	)	
	)	
Complainant,	)	ORDER 01
	)	
v.	)	
	)	INITIAL ORDER DISMISSING
WESTERN MOVING & STORAGE,	)	COMPLAINT
INC.,	)	
	)	
Respondent.	)	
.....	)	

1 **Synopsis:** *This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Commission or allowed to become effective pursuant to the notice at the end of this Order. If this Initial Order becomes final, the Commission will dismiss the complaint filed by Western Van & Storage.*

1 **Nature of proceeding:** Western Van Lines, Inc., d/b/a Western Van & Storage (Complainant) on October 11, 2006, filed with the Washington Utilities and Transportation Commission (Commission) a complaint against Western Moving & Storage, Inc. (Respondent). The complaint alleges that the respondent’s permit was issued in violation of WAC 480-15-390, which prohibits a household goods carrier from operating under a name that is similar to that of another carrier.

2 **Procedural history:** On December 6, 2006, the parties entered a stipulation calling for respondent to change its corporate name, amend its articles of incorporation, cease the use of any name containing the word “Western,” change its internet address, and eliminate the use of any name with the word “Western” in its advertising.

3 At a hearing on December 7, 2006, convened by Administrative Law Judge Theodora M. Mace pursuant to due and proper notice, the parties presented their stipulation through complainant’s attorney, Mr. Andrew Shafer. The parties agreed to continue the proceeding until January 5, 2007, to review respondent’s compliance with the terms of the stipulation.

4 On January 19, 2007, complainant advised the Commission that the respondent had complied with the terms of the stipulation and that there was no reason to proceed further with the complaint. Complainant requested the complaint be dismissed.

5 On February 7, 2007, complainant filed a statement identifying the reasons that dismissing the complaint would serve the public interest.<sup>1</sup> Complainant stated that the respondent's cooperation in changing its name served the interest of preventing confusion in the market place pursuant to WAC 480-15-390, which prohibits a household goods carrier from operating under a name that is similar to that of another carrier. Complainant further stated that by resolving this matter cooperatively, the parties spared the Commission the necessity of conducting a hearing.

6 On February 28, 2007, Robert Irwin, representing the respondent, advised the Commission that he did not object to dismissal of the complaint and that he had complied with the terms of the agreement to remove "Western" from the name of his company.

7 **Discussion:** Under WAC 480-15-390, the Commission's chief concern is whether the name of a business entity will mislead the shipping public or will result in unfair or destructive competitive practices. More broadly, the Commission also must determine whether the parties' stipulation serves the public interest in general and whether it would serve the public interest to dismiss the complaint.

8 The complaint in this case alleges that since the date the respondent received a household goods permit from the Commission, complainant has been receiving mistaken phone calls and collection notices from creditors seeking to collect debts from the respondent. Complainant claims that these phone calls support the allegation that the similarity of respondent's name caused confusion in the market place. In its statement of public interest supporting dismissal of the complaint, complainant states that since respondent has complied with the agreement to remove the word "Western" from respondent's name and advertising, the confusion has been eliminated. The respondent does not object to this conclusion.

9 The Commission agrees that respondent's name change, in compliance with the parties' stipulation, eliminated confusion, if not for the public seeking to move household goods, at least for the general public, including the creditors of the

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<sup>1</sup> See, Complainant's statement of public interest, filed February 7, 2007.

respondent. Thus the agreement serves the public interest generally, and compliance with the agreement supports dismissal of the complaint. In addition, the resolution of the complaint without a hearing conserves Commission and the parties' resources and promotes the public interest in that way. The complaint should be dismissed.

### **ORDER**

THE COMMISSION ORDERS That the complaint filed by Western Van Lines, Inc., d/b/a Western Van & Storage against Western Moving & Storage is dismissed.

DATED at Olympia, Washington, and effective March 9, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE  
Administrative Law Judge

### **NOTICE TO PARTIES**

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order, any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3), as amended in the 2006 legislative session, provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion. You will be notified if this order becomes final.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An original and **six (6)** copies of any Petition or Answer must be filed by mail delivery to:

Attn: Carole J. Washburn, Executive Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250