

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of)	DOCKET TV-112194
)	
ASM, LLC)	ORDER 02
d/b/a ALL SERVICE MOVING,)	
)	INITIAL ORDER CONDITIONALLY
for a permit to operate as a motor)	SUSPENDING ORDER DISMISSING
carrier of household goods.)	APPLICATION
)	
.....)	

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 as described in the notice at the end of this Order. The Initial Order conditionally suspends Order 01, Order Dismissing Application, for 30 days pending the filing by applicant of Uniform Motor Bodily Injury and Property Damage Liability certificate of insurance in the company’s name, ASM, LLC, d/b/a All Service Moving, LLC. If the Commission receives this requirement within 30 days after entering this Order, the Commission will vacate Order 01 and authorize ASM, LLC, d/b/a All Service Moving, LLC to operate as a household goods carrier in the state of Washington. If the applicant does not meet this condition within the thirty day period, the Commission will reinstate Order 01 and deny the company’s request for further review of the delegated order.*

2 **PROCEEDING:** On December 20, 2011, ASM, LLC, d/b/a All Service Moving, LLC (ASM, LLC or Applicant), filed with the Washington Utilities and Transportation Commission (Commission) an application requesting authority to operate as a household goods carrier in the state of Washington under RCW 81.80 and WAC 480-15.¹ Over a six month period, ASM, LLC and the Commission’s regulatory staff (Staff)² cooperated to cure the various deficiencies in the application.

¹ While ASM, LLC originally filed its permit application under the name ASM, LLC d/b/a All Service Moving, the company subsequently registered with both the State of Washington Secretary of State (Secretary of State) and the Washington State Department of Revenue (Department of Revenue) under the name ASM, LLC d/b/a All Service Moving LLC. The key difference here between the two monikers is an additional “LLC” at the end of the latter.

3 **APPEARANCES.** Jeffrey Grabeel, owner, ASM, LLC, Portland, Oregon, appearing
on behalf of Applicant. Michael Fassio, Assistant Attorney General, Olympia,
Washington, represents Staff.

4 **PROCEDURAL HISTORY.** On December 20, 2011, ASM, LLC filed an
application with the Commission for authority to operate as a household goods
carrier. The Commission sent Applicant notices on January 6, January 30, February
28, March 29, May 17, and May 25, 2012, detailing the deficiencies in its
application.³ On June 21, 2012, the Commission entered Order 01, Order Dismissing
Application, stating that ASM, LLC had filed its Uniform Motor Carrier Bodily
Injury and Property Damage Liability certificate of insurance in the name of ASM,
LLC, d/b/a All Service Moving.⁴

5 On July 6, 2012, ASM, LLC filed a Request for Review of Delegated Order.
Applicant stated that, as an out-of-state company, compliance with the Commission's
rules had proved especially difficult. ASM, LLC indicated that it was uncertain what
further requirements it had to meet in order to obtain its household goods permit.

6 The Commission convened a brief adjudicative proceeding in this matter on August 9,
2012, in Olympia, Washington, before Administrative Law Judge Marguerite E.
Friedlander. The parties were given an opportunity to present oral statements, witness
testimony, and offer evidence into the record.

² In formal proceedings, such as this, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an "*ex parte* wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including regulatory staff. RCW 34.05.455.

³ Order 01, Order Dismissing Application, ¶ 2 and Leipski, Exh. Nos. TL-2, TL-3, TL-4, TL-5, and TL-6.

⁴ Applicant's certificate of insurance should have been written in the name the company had registered with the Secretary of State. Instead it was missing the "LLC" designation following "All Service Moving."

- 7 At hearing, Staff conceded that the sole deficiency in ASM, LLC's application was that the certificate of insurance provided by Applicant did not correspond with the name Applicant used to register with various other Washington agencies: ASM, LLC, d/b/a All Service Moving, LLC.⁵ Staff also acknowledged that, if it were to receive a corrected certificate of insurance in the company's legal name, it would recommend that the Commission issue Applicant a household goods carrier permit.
- 8 In questioning from the bench, Jeffrey Grabeel, owner of ASM, LLC stated that he would work with his company's insurance agent to modify the company's name on the certificate of insurance so that the company's name contains the additional "LLC" following "All Service Moving." Both Staff and ASM, LLC agreed that suspension of the Order Dismissing the Application pending receipt of the corrected certificate of insurance would be in the public interest.
- 9 The Commission appreciates the difficulties ASM, LLC has experienced in the application process and commends Staff for assisting Applicant in the resolution of most of the deficiencies in its application. Given the parties' willingness to work on resolving this last issue informally, the Commission will conditionally suspend for 30 days Order 01, Order Dismissing Application, to allow ASM, LLC the opportunity to procure insurance in its full company name, with any help from Staff that proves necessary. Upon receipt of confirmation that ASM, LLC has complied with this requirement within 30 days from the entrance of this Order, the Commission will vacate Order 01 and authorize ASM, LLC, d/b/a All Service Moving, LLC, to operate as a household goods carrier in the state of Washington. Should ASM, LLC fail to meet this obligation within the time allowed, the Commission will reinstate Order 01 and deny Applicant's request for further review of the delegated order.

FINDINGS OF FACT

- 10 Having discussed above in detail the evidence received in this proceeding concerning all material matters, and having stated findings and conclusions upon issues in dispute among the parties and the reasons therefore, the Commission now makes and enters

⁵ Applicant used this moniker to register with the State of Washington Secretary of State and the Washington State Department of Revenue. See Leipski, Exh. No. TL-10 at 2 and 3.

the following summary of those facts, incorporating by reference pertinent portions of the preceding detailed findings:

- 11 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington, vested by statute with authority to regulate the rates, rules, regulations, practices, and accounts of public service companies, including household goods carriers.
- 12 (2) ASM, LLC, d/b/a All Service Moving, LLC, is a “public service company,” a “common carrier” and a “household goods carrier,” as those terms are defined in RCW 81.04.010 and RCW 81.80.010 and used in Title 81 RCW.
- 13 (3) ASM, LLC filed an application for authority to operate as a household goods carrier on December 20, 2011.
- 14 (4) The Commission’s regulatory staff worked with ASM, LLC to cure the deficiencies in the company’s application until June 21, 2012, when the Commission entered Order 01, Order Dismissing Application. Order 01 stated that ASM, LLC’s application was incomplete due to the lack of Uniform Motor Carrier Bodily Injury and Property Damage Liability certificate of insurance in the company’s correct name, “ASM, LLC, d/b/a All Service Moving, LLC.”
- 15 (5) On July 6, 2012, ASM, LLC filed a Request for Review of Delegated Order. The company requested that the Commission review Order 01 dismissing its application since it was uncertain what further requirements it had to meet in order to obtain a household goods permit.
- 16 (6) The Commission held a brief adjudicative proceeding on August 9, 2012. At hearing, Staff confirmed that it would grant a household goods carrier permit to the company if ASM, LLC provided the Commission with its certificate of insurance in the company’s correct name. ASM, LLC indicated that it would work with the company’s insurance agent to fulfill this requirement.

CONCLUSIONS OF LAW

- 17 Having discussed above all matters material to this decision, and having stated detailed findings, conclusions, and the reasons therefore, the Commission now makes the following summary conclusions of law, incorporating by reference pertinent portions of the preceding detailed conclusions:
- 18 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of, and parties to, these proceedings.
- 19 (2) The Commission will not issue a household goods carrier permit for authority to operate without acceptable proof of required insurance coverage, such as Uniform Motor Carrier Bodily Injury and Property Damage Liability certificate of insurance (Form E). RCW 81.80.190. WAC 480-15-530.
- 20 (3) The Applicant's insurance coverage must be written in the company's legal business name used in the state of Washington: ASM, LLC, d/b/a All Service Moving, LLC.
- 21 (4) It is in the public interest to suspend Order 01, Order Dismissing Application, for 30 days to allow ASM, LLC the opportunity to procure insurance in its full company name, with any help from Staff that proves necessary.
- 22 (5) Following 30 days from the entrance of this Order, the Commission should vacate Order 01 and authorize ASM, LLC, d/b/a All Service Moving, LLC, to operate as a household goods carrier in the state of Washington if Applicant has provided the Commission with the corrected certificate of insurance.
- 23 (6) Should ASM, LLC fail to meet this obligation within the time allowed, the Commission should reinstate Order 01 and deny Applicant's request for further review of the delegated order.
- 24 (7) The Commission should retain jurisdiction over the subject matters and the parties to this proceeding to effectuate the terms of this Order.

ORDER

THE COMMISSION ORDERS:

- 25 (1) Order 01, Order Dismissing Application, entered in this matter on June 21,
2012, is suspended for 30 days from the date of this Order.
- 26 (2) If ASM, LLC, d/b/a All Service Moving, LLC complies with the condition in
this Order within 30 days, the Commission will vacate Order 01 and issue a
household goods carrier permit to ASM, LLC, d/b/a All Service Moving, LLC.
- 27 (3) If ASM, LLC, d/b/a All Service Moving, LLC does not meet the condition in
this Order within 30 days, the Commission will reinstate Order 01 and deny
the company's request for further review of the delegated order.
- 28 (4) The Commission retains jurisdiction to effectuate the terms of this Order.

DATED at Olympia, Washington and effective August 16, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
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 ten (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) 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.

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 **five (5)** copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250