

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

ALL STAR TRANSFER, LARON  
WILLIAMS INC.; AMERICAN  
MOVING CO. INC.; BEN'S 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,

Respondents.

DOCKET TV-170902

ORDER 01

INITIAL ORDER GRANTING  
REQUEST TO DISMISS  
COMPLAINT AGAINST ALL  
STAR TRANSFER, LARON  
WILLIAMS INC., AMERICAN  
MOVING CO. INC., BEN'S  
MOVING & DELIVERY  
SERVICES, INC., CREECH AND  
SON LLC, 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; GRANTING REQUEST TO  
FIND REMAINING COMPANIES  
IN DEFAULT AND CANCEL  
PERMITS FOR FAILURE TO FILE  
ANNUAL REPORTS AND PAY  
REGULATORY FEES

**BACKGROUND**

- 1 On September 7, 2017, the Washington Utilities and Transportation Commission (Commission) entered a complaint against All Star Transfer, Laron Williams Inc. (All Star Transfer), American Moving Co., Inc. (American Moving), Ben's Moving & Delivery Services, Inc. (Ben's Moving), Creech and Son LLC (Creech and Son), Lishu Cui, Benjamin Leo Fisher, Friends & Family Moving & Storage, Inc. (Friends &

**Pursuant to RCW 80.01.060(3),  
this packet is the final  
order in this docket.**

Family), Gigantic Moving & Storage LLC (Gigantic Moving), Lincoln Moving & Storage Company, Inc. (Lincoln Moving), Speedy Delivery LLC (Speedy Delivery), Star Moving & Storage (Star Moving), and Urban Delivery Service, LLC (Urban Delivery). The complaint alleges that each company failed to file required annual reports for 2016 and also failed to pay required regulatory fees. The Commission set this matter for hearing and notified all respondents that any party that failed to attend or participate in the hearing may be held in default.

- 2 The complaint was heard on October 17, 2017, in Olympia, Washington before Administrative Law Judge Rayne Pearson. Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington represents Commission staff (Staff).<sup>1</sup> During the hearing, Staff presented the testimony of Sean Bennett, Regulatory Analyst. None of the household goods carriers named in the complaint appeared at the hearing or presented testimony.

### DISCUSSION AND DECISION

- 3 **Applicable Law.** Every public service company operating in Washington is required to file an annual report that sets forth the company's operations during the preceding year.<sup>2</sup> Every common carrier must also pay a regulatory fee of no more than one quarter of one percent of its gross income from intrastate operations for the previous calendar year on or before the date specified by the Commission.<sup>3</sup> Commission rules require all permitted household goods carriers to file annual reports and pay regulatory fees by May 1.<sup>4</sup> The Commission may cancel a household goods carrier permit for good cause, which includes, but is not limited to, the failure to file an annual report or pay regulatory fees.<sup>5</sup> Any party who fails to attend or participate in a hearing scheduled by the Commission may be held in default.<sup>6</sup>

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<sup>1</sup> In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

<sup>2</sup> RCW 81.04.080.

<sup>3</sup> RCW 81.80.321.

<sup>4</sup> WAC 480-15-480.

<sup>5</sup> WAC 480-15-450.

<sup>6</sup> RCW 34.05.440; WAC 480-07-450.

4 **Motion to Dismiss.** At the hearing, Staff moved to dismiss the complaint against 10 companies named in the complaint because each of those companies filed its annual report and paid its regulatory fee, as follows:

- All Star Transfer filed its annual report on October 16 and paid its regulatory fee on October 17, 2017.<sup>7</sup>
- American Moving filed its annual report on September 20 and paid its regulatory fee on September 25, 2017.<sup>8</sup>
- Ben's Moving filed its annual report on September 22 and paid its regulatory fee on September 25, 2017.<sup>9</sup>
- Friends & Family filed its annual report and paid its regulatory fee on September 14, 2017.<sup>10</sup>
- Gigantic Moving paid its regulatory fee on September 14 and filed its annual report on September 27, 2017.<sup>11</sup>
- Lincoln Moving filed its annual report and paid its regulatory fee on September 11, 2017.<sup>12</sup>
- Speedy Delivery filed its annual report on August 2 and paid its regulatory fee on August 28, 2017.<sup>13</sup>
- Star Moving filed its annual report on September 7 and paid its regulatory fee on September 8, 2017.<sup>14</sup>
- Urban Delivery filed its annual report on August 25 and paid its regulatory fee on September 18, 2017.<sup>15</sup>

5 In addition, Creech and Son's household goods permit was cancelled for failure to provide proof of insurance on September 26, 2017.<sup>16</sup> The motion to dismiss the complaint against these 10 companies was granted.

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<sup>7</sup> Exh. No. SB-18 and Exh. No. SB-19.

<sup>8</sup> Exh. No. SB-1 and Exh. No. SB-2.

<sup>9</sup> Exh. No. SB-3 and Exh. No. SB-4.

<sup>10</sup> Exh. No. SB-6 and Exh. No. SB-7.

<sup>11</sup> Exh. No. SB-8 and Exh. No. SB-9.

<sup>12</sup> Exh. No. SB-10 and Exh. No. SB-11.

<sup>13</sup> Exh. No. SB-12 and Exh. No. SB-13.

<sup>14</sup> Exh. No. SB-14 and Exh. No. SB-15.

<sup>15</sup> Exh. No. SB-16 and Exh. No. SB-17.

<sup>16</sup> Exh. No. SB-5.

- 6 **Default.** Staff moved that Lishu Cui and Benjamin Leo Fisher be held in default for failing to appear at the hearing. The record reflects that each company was sent notice of the hearing by certified and first class mail at its address of record, and by email at its email address of record, and failed to appear or otherwise respond to the complaint.<sup>17</sup> Therefore, the motion for default against each of the two companies was granted. Even so, Staff requested that the Commission hear and dispose of the substantive issues brought in the complaint against Lishu Cui and Benjamin Leo Fisher.
- 7 **Complaint.** Mr. Sean Bennett testified that he reviews the Commission's Annual Report Tracking System (ARTS) to obtain a list of all companies that are delinquent in filing their annual reports or paying their regulatory fees. Mr. Bennett reviewed ARTS data for each company named in the complaint as late as the morning of the hearing, October 17, 2017.
- 8 Lishu Cui holds authority to transport household goods in the state of Washington for compensation. As such, Lishu Cui is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Lishu Cui failed to file its annual report for 2016 and failed to pay regulatory fees. Moreover, Lishu Cui failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Lishu Cui's household goods carrier permit should be canceled.
- 9 Benjamin Leo Fisher holds authority to transport household goods in the state of Washington for compensation. As such, Benjamin Leo Fisher is required to submit an annual report to the Commission and pay regulatory fees. A review of the Commission's files and records shows that Benjamin Leo Fisher failed to file its annual report for 2016 and failed to pay regulatory fees. Moreover, Benjamin Leo Fisher failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Benjamin Leo Fisher's household goods carrier permit should be canceled.

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<sup>17</sup> Although first class and certified copies of the complaint were returned as undelivered for both Lishu Cui and Benjamin Leo Fisher, electronic copies were also served on both companies. Pursuant to WAC 480-07-150(4), the Commission may serve documents electronically except where proof of service is required by law. The Commission's Final Order adopting changes to WAC 480-07 accepted Staff's position that electronic service is acceptable for commencing adjudicative proceedings against regulated companies. *See* General Order 588 – Final Adoption Order – WSR 17-06-051, Docket A-130355 ¶16 and Appendix A (March 2, 2017). Accordingly, the companies were properly served by electronic mail.

**FINDINGS AND CONCLUSIONS**

- 10 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods carriers.
- 11 (2) All Star Transfer, American Moving, Ben’s Moving, Creech and Son, Lishu Cui, Benjamin Leo Fisher, Friends & Family, Gigantic Moving, Lincoln Moving, Speedy Delivery, Star Moving, and Urban Delivery are each a “public service company,” “common carrier,” and “household goods carrier” as those terms are defined and used in RCW Title 81.
- 12 (3) On September 7, 2017, the Commission entered a complaint and notice of hearing. The complaint against each of the above-named household goods carriers sought cancellation of the company’s permit for failure to submit an annual report and pay regulatory fees. The notice of hearing scheduled a hearing to convene on October 17, 2017, in Olympia, Washington. Each of the above-named household goods carriers was properly served and notified of the hearing.
- 13 (4) Subsequent to the entry of the complaint, All Star Transfer, American Moving, Ben’s Moving, Friends & Family, Gigantic Moving, Lincoln Moving, Speedy Delivery, Star Moving, and Urban Delivery each filed its annual report and paid its regulatory fee. Accordingly, the complaint against All Star Transfer, American Moving, Ben’s Moving, Friends & Family, Gigantic Moving, Lincoln Moving, Speedy Delivery, Star Moving, and Urban Delivery should be dismissed.
- 14 (5) Subsequent to the entry of the complaint, Creech and Son’s household goods permit was cancelled for failure to provide proof of insurance. Accordingly, the complaint against Creech and Son should be dismissed.
- 15 (6) The failure of Lishu Cui and Benjamin Leo Fisher to file their annual reports for 2016 and pay regulatory fees constitutes good cause to cancel their household goods carrier permit to operate in Washington.
- 16 (7) Lishu Cui and Benjamin Leo Fisher are in default for failure to appear at the October 17, 2017, hearing in this matter.

**ORDER**

THE COMMISSION ORDERS THAT:

- 17 (1) The complaint against All Star Transfer, Laron Williams Inc.; American Moving Co., Inc.; Ben's Moving & Delivery Services, Inc.; Creech and Son, LLC; Friends & Family Moving & Storage, Inc.; Gigantic Moving & Storage, LLC; Lincoln Moving & Storage Company, Inc.; Speedy Delivery, LLC; Star Moving & Storage, Inc.; and Urban Delivery Service, LLC is dismissed.
- 18 (2) Lishu Cui and Benjamin Leo Fisher are in default.
- 19 (3) The household goods carrier permits held by Lishu Cui and Benjamin Leo Fisher are canceled for failure to file annual reports for 2016 and pay regulatory fees.

DATED at Olympia, Washington, and effective October 18, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
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 20 days after the entry of this initial order to file a petition for administrative review (Petition). Section (3) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-825(4) states that any party may file an answer (Answer) to a Petition within 10 days after service of the petition.

WAC 480-07-830 provides that before the Commission enters 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. The Commission will not accept answers to a petition to reopen unless the Commission requests answers by written notice.

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.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).