

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS
OF LAWS RULES AND REGULATIONS**

PENALTY ASSESSMENT NO: TV-051472

PENALTY AMOUNT: \$ 22,800.00

HOUSEHOLD GOODS CARRIER:

Jordan River Moving & Storage, Inc.
11801 NE 116th Street
Kirkland, WA 98034

The Commission believes that you have committed 228 violations of Washington Utilities and Transportation Commission rules and household goods tariff, specifically, Washington Administrative Code (WAC) 480-15, and Commission Tariff 15-A. As a result, the Commission hereby notifies you that it has assessed a \$100.00 penalty against you for each of the 228 violations for total penalties of \$22,800.00.

The basis for this penalty assessment is as follows. Further information about the violations alleged is contained in the attached report prepared by the Staff of the Washington Utilities and Transportation Commission.¹

1. One violation of WAC 480-15-650(1), for Jordan River's failure to visually inspect the goods to be shipped prior to providing a written estimate on one written estimate between April 1, 2005, and June 30, 2005. Total penalty of \$100.00.
2. Four violations of WAC 480-15-650(2)(d), for Jordan River's failure to include complete destination addresses on four written estimates between April 1, 2005, and April 30, 2005. Total penalty of \$400.00.
3. Four violations of WAC 480-15-650(3), for Jordan River's failure to obtain the customer's signature on four written estimates between April 1, 2005, and April 30, 2005. Total penalty of \$400.00.

¹ In formal proceedings before the Commission, the Commission's Regulatory Staff (Commission Staff) appears as an independent party with the same privileges, rights, and responsibilities as any other party in the proceeding. Commission Staff operates independently from the three-member Commission, who decides the merits of each case. RCW 34.05.455; WAC 480-07-340.

4. One violation of WAC 480-15-660 and Tariff 15-A, Item 85, for Jordan River's failure to issue a supplemental estimate on one estimate between April 1, 2005, and April 30, 2005. Total penalty of \$100.00.
5. One violation of WAC 480-15-650 and Tariff 15-A, Item 95(g), for Jordan River charging more than 125% of the written estimate on one estimate between April 1, 2005, and April 30, 2005. Total penalty of \$100.00.
6. Thirty-one violations of WAC 480-15-710, for failure of Jordan River's driver to sign 31 hourly-rated bills of lading indicating receipt of the goods from the customer between April 1, 2005, and April 30, 2005. Total penalty of \$3,100.00.
7. Twenty-five violations of WAC 480-15-740(8) and Tariff 15-A, Item 95(2)(o), for Jordan River's failure to a note that the customer was provided a copy of the brochure, "Your Rights & Responsibilities as a Moving Company Customer," or that the customer refused a copy when it was offered, on 25 hourly-rated bills of lading between April 1, 2005, and April 30, 2005. Total penalty of \$2,500.00.
8. Eight violations of WAC 480-15-490(5) and Tariff 15-A, Item 90(5), for Jordan River's failure to ensure that the customer selected a valuation option and made the appropriate notation on the bills of lading prior to the customer's goods being loaded on eight hourly-rated bills of lading between April 1, 2005, and April 30, 2005. Total penalty of \$800.00.
9. Twenty-one violations of WAC 480-15-490(5) and Tariff 15-A, Item 95(2)(c), for Jordan River's failure to list the exact name of the consignee (i.e., the person accepting the goods at the delivery) on 21 hourly-rated bills of lading between April 1, 2005, and April 30, 2005. Total penalty of \$2,100.00.
10. Eleven violations of WAC 480-15-740(3), for Jordan River's failure to list the exact address at which the shipment, or any part of that shipment, was loaded or unloaded on 11 hourly-rated bills of lading between April 1, 2005, and April 30, 2005. Total penalty of \$1,100.00.
11. Sixteen violations of WAC 480-15-490(5) and Tariff 15-A, Item 95(2)(g), for Jordan River's failure to ensure that the customer properly initialed the type of estimate (binding or non-binding) under which the shipment was moving on 16 hourly-rated bills of lading between April 1, 2005, and April 30, 2005. Total penalty of \$1,600.00.

12. Eight violations of WAC 480-15-490(5) and Tariff 15-A, Item 95(2)(h), for Jordan River's failure to ensure that the customer selected and initialed on the bill of lading the type of valuation coverage under which the shipment was moving on eight hourly-rated bills of lading between April 1, 2005, and April 30, 2005. Total penalty of \$800.00.
13. Thirty-nine violations of WAC 480-15-490(5) and Tariff 15-A, Item 225, for Jordan River charging for items not listed in the tariff for hourly-rated moves, such as tape and white paper, on 39 hourly-rated bills of lading between April 1, 2005, and April 30, 2005. Total penalty of \$3,900.00.
14. Nine violations of WAC 480-15-490(5) and Tariff 15-A, Item 230(5), for Jordan River's failure to comply with the requirement that the minimum charge for a shipment moving under hourly rates is one hour on nine hourly-rated bills of lading between April 1, 2005, and April 30, 2005. Total penalty of \$900.00.
15. Twenty-nine violations of WAC 480-15-490(5) and Tariff 15-A, Item 230(6), for Jordan River's failure to bill the customer for the time beginning when the moving vehicle left the carrier's terminal until the time the vehicle returned to the carrier's terminal or was dispatched to another job on 29 hourly-rated bills of lading between April 1, 2005, and April 30, 2005. Total penalty of \$2,900.00.
16. Three violations of WAC 480-15-490(5), for Jordan River's failure to charge the rates and charges for mileage rated moves contained in the tariff unless the Commission has approved, in writing, deviations from the tariff, on one mileage-rated move between April 1, 2005, and April 30, 2005. Total penalty of \$300.00.
17. One violation of WAC 480-15-740(3) and Tariff 15-A, Item 95(2)(d), for Jordan River's failure to list on mileage-rated bills of lading the exact address at which the shipment, or any part of that shipment, was loaded or unloaded, on one mileage-rated move between April 1, 2005, and April 30, 2005. Total penalty of \$100.00.
18. Two violations of WAC 480-15-490(5) and Tariff 15-A, Item 95(2)(g), for Jordan River's failure to ensure that the customer properly initialed the type of estimate (binding or non-binding) under which the shipment is moving on two mileage-rated bills of lading between April 1, 2005, and April 30, 2005. Total penalty of \$200.00.
19. One violation of WAC 480-15-490(5) and Tariff 15-A, Item 110(2), for Jordan River's failure to use the Rand McNally Mileage Guide to determine mileage

on one mileage-rated move between April 1, 2005, and April 30, 2005. Total penalty of \$100.00.

20. One violation of WAC 480-15-490(5) and Tariff 15-A, Item 175(a), for Jordan River's failure to pass through to the customer the actual cost of ferry fares on one mileage-rated move between April 1, 2005, and April 30, 2005. Total penalty of \$100.00.
21. One violation of WAC 480-15-490(5) and Tariff 15-A, Item 175(c), for Jordan River's failure to record on the bill of lading the exact time its vehicle and employee(s) were on board a commercial ferry or are waiting in line to board the ferry, and bill the customer appropriately for this time, on one mileage-rated move between April 1, 2005, and April 30, 2005. Total penalty of \$100.00.
22. One violation of WAC 480-15-490(5) and Tariff 15-A, Item 200, for Jordan River's failure to apply mileage rates only on shipments moving more than 35 miles on one mileage-rated move between April 1, 2005, and April 30, 2005. Total penalty of \$100.00.
23. Two violations of WAC 480-15-490(5) and Tariff 15-A, Item 195-A, for Jordan River charging for items not listed in the tariff for mileage-rated moves, such as tape and white paper, on two mileage-rated moves between April 1, 2005, and April 30, 2005. Total penalty of \$200.00.
24. Three violations of WAC 480-15-810(1), for Jordan River's failure to notify the customer, in writing, within ten working days of the receipt of the customer's claim on three claims between January 1, 2005 and June 30, 2005. Total penalty of \$300.00.
25. Three violations of WAC 480-15-810(3), for Jordan River's failure to advise the customer of the resolution of the claim on three claims between January 1, 2005 and June 30, 2005. Total penalty of \$300.00.
26. Two violations of WAC 480-15-860, for Jordan River's failure to record all required information in the company's claims and complaints files between January 1, 2005 and June 30, 2005. Total penalty of \$200.00

The penalties contained in this notice of penalties incurred are assessed pursuant to RCW 81.04.405. Under RCW 81.04.405, every public service company subject to Title 81 RCW who violates or who procures, aids or abets in the violation of any provision of Title 81 RCW or any order, rule, regulation or decision of the Commission is subject to a penalty of \$100 per violation. Each and every violation shall be a separate and distinct

offense. Each day of a continuing violation is a separate and distinct offense. Every act of commission or omission which procures, aids or abets in the violation is considered to be a violation.

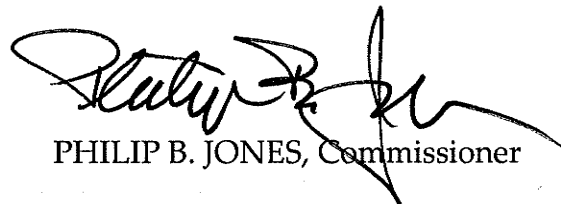
Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described above did not occur, you may request a hearing to contest the occurrence of the violations. If you have an explanation as to why the violations occurred, or have other facts you believe the Commission should consider, you may make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, within FIFTEEN (15) days of your receipt of this penalty notice. You may, although you are not required to, present your request for mitigation at a hearing. The Commission will consider your plea and notify you of its determination.

If you request a hearing to contest either the occurrence of the violations or the amount of the penalty, please state why you believe a hearing is called for in your circumstances. Failure to request a hearing to contest the occurrence of the violations or the amount of the penalty, return the mitigation plea, or pay the amount due within 15 days will cause the Commission to refer this matter to the Office of the Attorney General for collection. Suit may then be brought against you and after trial, judgment may be entered against you.

DATED at Olympia, Washington and effective this *19th* day of October, 2005.


MARK H. SIDRAN, Chairman


PATRICK J. OSHIE, Commissioner


PHILIP B. JONES, Commissioner

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

APPLICATION FOR MITIGATION OF PENALTIES

NOTE: This form must be completed, signed, and received by the Commission within 15 days of your receipt of this form.

I have read and understand RCW 9A.72.020, which states that making false statements under oath is a class B felony (printed below). I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, application for mitigation of the penalties (as described in the attached Notice of Penalties), for the following reasons:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: _____ [month/day/year], at _____ [city, state]

Signature of Applicant

RCW 9A.72.020:

"Perjury in the first degree. (1) A person is guilty of perjury in the first degree in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony."