

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT NO: TV-051478

PENALTY AMOUNT: \$42,475.00

HOUSEHOLD GOODS CARRIER:

Neighbors Moving & Storage of Seattle, LLC
8629 South 208th Street, Unit O
Kent, Washington 98031

The Commission believes that you have committed 574 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 375 violations, and an additional \$25.00 penalty against you for the remaining 199 violations, for total penalties of \$42, 475.00.

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. Three violations of WAC 480-15-610 for failure to show its permit number on its hourly-rated bill of lading on October 1, 2004, on its letterhead on April 12, 2005, and on its internet website on June 27, 2005. Total penalty of \$300.00.
2. One violation of WAC 480-15-640 for providing a verbal estimate in February 2004. Total penalty of \$100.00.
3. Ninety-six violations of WAC 480-15-730 for failure to use an approved bill of lading form between October 1, 2004, and January 31, 2005. Total penalty of \$9,600.00.

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 hundred and four violations of WAC 480-15-740 and Tariff 15-A, Item 95, for failure to accurately complete the bill of lading to ensure that it shows all the information necessary to determine proper tariff rates and charges between October 1, 2004, and January 31, 2005. Total penalty of \$10,400.
5. One violation of WAC 480-15-840, for failure to number its complaints and claims consecutively between November 1, 2004, and February 28, 2005. Total penalty of \$100.00.
6. Six violations of WAC 480-15-860, for failure to record all required information in the company's claims and complaints files between November 1, 2004, and February 28, 2005. Total penalty of \$600.00.
7. One hundred and ninety-nine violations of WAC 480-15-890, for failure to respond to Commission-referred complaints between February 18, 2004, and May 31, 2005. Total penalty of \$4,975.00.
8. Ninety-seven violations of the Tariff 15-A, Fuel Charge Supplement No. 2000-1, for failure to correctly calculate the fuel surcharge at no more than 2% plus increases of the fuel consuming rates and charges between October 1, 2004, and January 31, 2005. Total penalty of \$9,700.00.
9. Ten violations of Tariff 15-A, Item 220, for failure to provide the customer with a written estimate of the total overtime charges and get the customer's written consent before providing overtime service between October 16, 2004, and January 22, 2005. Total penalty of \$1,000.00.
10. Six violations of Tariff 15-A, for charging for additional stops during hourly-rated moves between October 25, 2004, and December 5, 2004. Total penalty of \$600.00.
11. Thirty-nine violations of Tariff 15-A, Item 225, Container Prices, for failure to charge tariff prices for crates, containers and packing materials between October 1, 2004, and January 31, 2005. Total penalty of \$3,900.00.
12. Nine violations of Item 110 of Tariff 15-A for failure to show the proper mileage was used for calculating mileage-rated charges between February 18, 2004, and January 31, 2005. Total penalty of \$900.00.
13. Three violations of Tariff 15-A, Item 155, for charging for additional stops outside of the minimum and maximum rate band between October 7, 2004, and November 27, 2004. Total penalty of \$300.00.

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.

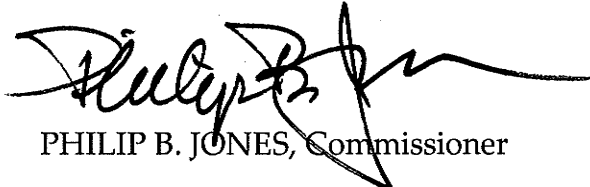
Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described above did not occur, you may request a hearing to contest the occurrence of the violations. If you have an explanation as to why the violations occurred, or have other facts you believe 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 18th 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."