

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

WASHINGTON UTILITIES AND	)	DOCKET TV-072077
TRANSPORTATION COMMISSION,)	
	)	ORDER 01
Complainant,)	
)	
v.	)	COMPLAINT AND ORDER TO
	)	SHOW CAUSE WHY PERMIT
TODD BRENDEN D/B/A ACCESS	)	SHOULD NOT BE CANCELED
MOVING, BUMBLEBEE MOVING	)	FOR FAILURE TO PAY
NORTH, INC., CASCADE MOVING &	)	REGULATORY FEES AND/OR
STORAGE, INC., and CHELAN	)	FAILURE TO FILE 2006 ANNUAL
TRANSFER CO., INC.,	)	REPORT; AND NOTICE OF
	)	HEARING
Respondents.	)	(Set for November 27, 2007,
	)	1:30 p.m.)
.....)	

1 **Synopsis:** *The Commission orders four companies to show cause why their household goods carrier permits should not be canceled for failure to pay regulatory fees as required by RCW 81.80.321 and/or failure to file an annual report as required by RCW 81.04.080.*

2 **Proceedings:** The staff of the Washington Utilities and Transportation Commission (Commission) distributes annual report forms to all household goods carrier permit holders, including Todd Brenden d/b/a Access Moving, Bumblebee Moving North, Inc., Cascade Moving & Storage, Inc., and Chelan Transfer Co., Inc. (collectively “the Companies”).

3 The annual report forms are sent to the address on record with the Commission for each permit holder. Each permit holder is required to submit an annual report and remit regulatory fees by May 1 of each year. A search of Commission records indicates that the Companies failed to comply with regulatory fee and/or reporting requirements required by RCW 81.80.321, RCW 81.04.080, and WAC 480-15-480. Thus, Staff asks the Commission to order the Companies to come before it and show

cause why the Commission should not cancel each Company's permit for failure to pay regulatory fees and/or file annual reports.

I. COMPLAINT

4 The Commission on its own motion, and through its Staff, alleges as follows:

5 Household goods carriers are required to submit annual reports and remit regulatory fees to the Commission. *Title 81 RCW.*

6 Household goods carriers are common carriers. *See RCW 81.80.010; WAC 480-15-020.* Every common carrier is a public service company. *RCW 81.04.010.*

7 Public service companies must file an annual report with the Commission. *RCW 81.04.080.* Each common carrier must pay an annual regulatory fee of no more than one quarter of one percent of its gross income from intrastate operations for the previous calendar year. *RCW 81.80.321.* Thus, as common carriers transporting goods within the state of Washington, household goods carriers must pay regulatory fees and file annual reports.

8 Under Title 81 RCW, the Commission is expressly empowered to issue rules and regulations governing household goods carriers. *See 81.04.160; WAC 480-15-010.*

9 The Commission distributes by mail annual report forms and instructions to each household goods permit holder at its address on record with the Commission. *WAC 480-15-480.*

10 Annual reports and regulatory fees are due no later than May 1 of the year following the year being reported. *WAC 480-15-480.*

11 The Commission may cancel a household goods carrier permit for good cause, including failure to submit an annual report or failure to pay regulatory fees. *WAC 480-15-450.*

12 Todd Brenden d/b/a Access Moving (Access Moving) is a public service company as defined in RCW 81.04.010. Access Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and

records, it appears that Access Moving failed to pay the regulatory fees and file the annual report due on May 1, 2007.

- 13 Bumblebee Moving North, Inc. (Bumblebee) is a public service company as defined in RCW 81.04.010. Bumblebee holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Bumblebee failed to pay the regulatory fees and file the annual report due on May 1, 2007.
- 14 Cascade Moving & Storage, Inc. (Cascade) is a public service company as defined in RCW 81.04.010. Cascade holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Cascade failed to pay the regulatory fees and file the annual report due on May 1, 2007.
- 15 Chelan Transfer Co., Inc. (Chelan) is a public service company as defined in RCW 81.04.010. Chelan holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Chelan failed to pay the regulatory fees and file the annual report due on May 1, 2007.
- 16 In sum, the foregoing Companies have failed to remit regulatory fees and/or file annual reports by the May 1, 2007, deadline.

II. ORDER AND NOTICE OF HEARING

- 17 IT IS HEREBY ORDERED That Todd Brenden d/b/a Access Moving, Bumblebee Moving North, Inc., Cascade Moving & Storage, Inc., and Chelan Transfer Co., Inc., must, unless a different time and place be specified by notice of hearing issued by the secretary of the Commission, appear at a hearing before the Commission, at 1:30 p.m., on November 27, 2007, in Room 108, First Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, to answer the complaint herein and show cause, if any, why the Commission should not cancel their common carrier permits for failure to pay regulatory fees and/or submit annual reports.
- 18 The Commission, by this notice, sets a hearing in this matter, which will be held pursuant to RCW 34.05 pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.434, RCW 34.05.440, RCW 34.05.449, and

RCW 34.05.452, and pursuant to WAC 480-07, including but not limited to WAC 480-07-145, WAC 480-07-150, WAC 480-07-320, WAC 480-07-440, WAC 480-07-450, WAC 480-07-470, WAC 480-07-490, and WAC 480-07-495. The Commission has jurisdiction in this matter under RCW 80.01, RCW 81.04 and RCW 81.80, including but not limited to RCW 80.01.040, RCW 81.04.110, RCW 81.04.380, RCW 81.80.130, RCW 81.80.280, RCW 81.80.290, and RCW 81.80.330, and under WAC 480-15, including but not limited to WAC 480-15-130, WAC 480-15-450, and WAC 480-15-480.

39 **NOTICE IS HEREBY GIVEN that a hearing in this matter will be held on Tuesday, November 27, 2007, 1:30 p.m., in Room 108, First Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. If you are unable to attend the hearing in person, you may attend via the Commission's teleconference bridge line, 360-664-3846. Please appear on the teleconference bridge five minutes before the hearing is scheduled to begin.**

40 THE COMMISSION GIVES FURTHER NOTICE THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440 AND WAC 480-07-450.

41 If any party or witness needs interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

42 The names and mailing addresses of all parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
PO Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Michael A. Fassio
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
PO Box 40128
Olympia, WA 98504-0128
(360) 664-1192

Respondent: Todd Brenden d/b/a Access Moving
16220 193RD Avenue S.E.
Renton, Washington 98058

Respondent: Bumblebee Moving North, Inc.
17825 State Route 9
Snohomish, Washington 98296

Respondent: Cascade Moving & Storage, Inc.
P.O. Box 81252
Seattle, Washington 98108

Respondent: Chelan Transfer Co., Inc.
P.O. Box 10
Chelan, Washington 98816

43 Ann E. Rendahl is appointed as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the hearing.

III. ORDER

THE COMMISSION ORDERS:

44 (1) Todd Brenden d/b/a Access Moving, Bumblebee Moving North, Inc., Cascade Moving & Storage, Inc., and Chelan Transfer Co., Inc., must come before the Commission pursuant to WAC 480-15-130(2)(a) to show cause why the Commission should not cancel its carrier permit for failure to submit annual reports and/or pay regulatory fees.

- 45 (2) In keeping with the nature of show cause proceedings, which the Commission is authorized under WAC 480-15-130(2)(a) to conduct, the burden is on each company to prove at the hearing scheduled by this order that its carrier permit should not be cancelled.
- 46 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective October 29, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

Inquiries may be addressed to:

Executive Secretary
Washington Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary
Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.:(____) _____