

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TV-143601
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	COMPLAINT FOR PENALTIES;
)	NOTICE OF BRIEF ADJUDICATIVE
v.)	PROCEEDING
)	(Set for Tuesday, March 17, 2015, at
ADAM’S MOVING AND DELIVERY)	9:30 a.m.)
SERVICE, LLC,)	
)	
Respondent.)	
.....)	

1 The Washington Utilities and Transportation Commission, on its own motion, and through its Staff, alleges as follows:

I. BACKGROUND

2 In September 2013, Commission staff (Staff) initiated an investigation into the business practices of Adam’s Moving and Delivery Service, LLC (Adam’s Moving or company). Staff reviewed documents related to 55 residential moves performed by the company between June 1, 2013, and August 31, 2013. Staff determined that the company violated state laws and Commission rules, as set forth below.

II. PARTIES

3 The Washington Utilities and Transportation Commission is an agency of the state of Washington. The Commission has authority under RCW 81.80 to regulate companies that transport household goods within the state of Washington. Adam’s Moving and Delivery Service, LLC, is a household goods carrier subject to regulation by the Commission under RCW 81.80.

III. JURISDICTION

4 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 81.04.070, RCW 81.04.110, RCW 81.80.130, RCW 81.80 including but not limited to RCW 81.80.330, and WAC 480-15.

IV. FIRST CAUSE OF ACTION

(55 violations of WAC 480-15-620(1) – Failure to provide moving guides)

- 5 WAC 480-15-620(1) provides, “Carriers must give each customer a copy of the commission publication, ‘Consumer Guide to Moving in Washington State’ at the time the carrier gives the customer a written estimate.”
- 6 Adam’s Moving failed to provide the moving guide in connection with each of the 55 residential moves reviewed by Staff.
- 7 Adam’s Moving committed 55 violations of WAC 480-15-620(1).

V. SECOND CAUSE OF ACTION

(21 violations of WAC 480-15-630 – Failure provide written estimates)

- 8 WAC 480-15-630 requires carriers to provide written estimates to every customer prior to moving a shipment of household goods.
- 9 Adam’s Moving improperly offered 21 customers the option to decline a written estimate.
- 10 Adam’s Moving committed 21 violations of WAC 480-15-630.

VI. THIRD CAUSE OF ACTION

(34 violations of WAC 480-15-630(7) – Incomplete estimates)

- 11 WAC 480-15-630 requires carriers to provide written estimates to every customer prior to moving a shipment of household goods. WAC 480-15-630(7) provides, “The carrier must complete the estimates as required by tariff.” Commission Tariff 15-C, Item 85, provides that estimates must include each of the following elements:
- **Item 85(2)(a):** The carrier’s address.
 - **Item 85(2)(b):** Whether the estimate is binding or nonbinding.
 - **Item 85(2)(c):** A space for the customer to sign or initial stating that the customer was provided a copy of the brochure “Your Guide to Moving in Washington State.”
 - **Item 85(2)(i):** For local moves, the number of hours each carrier personnel will be involved in the move and associated rates and charges.
 - **Item 85(2)(p):** For binding estimates, a statement that the estimate is a guarantee of the cost of the move and that the carrier will not charge above the estimated charges without preparing a supplemental estimate.

- **Item 85(2)(q):** For nonbinding estimates, the following information:
 - (i) The estimate is not binding; (ii) The cost of the move may exceed the estimate; (iii) The carrier must release the shipment to a customer upon payment of no more than 110 percent of the estimate—carriers must allow customers at least 30 days from the date of delivery to pay amounts in excess of the 110 percent; and (iv) The customer is not required to pay more than 125 percent of the estimate regardless of the total cost unless the carrier issues and the customer accepts a supplemental estimate—the 125 percent does not include any finance-related charges the carrier may assess for extending credit, such as interest or late payment fees.

12 Adam’s Moving provided 34 estimates that failed to include one or more of the elements enumerated in the preceding paragraph.

13 Adam’s Moving committed 34 violations of WAC 480-15-630(7).

VII. FOURTH CAUSE OF ACTION
(55 violations of WAC 480-15-630(7) – Failure to provide cube sheets)

14 WAC 480-15-630 requires carriers to provide written estimates to every customer prior to moving a shipment. WAC 480-15-630(7) provides, “The carrier must complete the estimates as required by tariff.” Under Commission Tariff 15-C, Item 85(2)(g), carriers must include with each estimate “[a] household goods cube sheet inventory of the items upon which the estimate is based and the estimated cubic footage for each item.”

15 Adam’s Moving failed to provide cube sheets in connection with each of the 55 residential moves reviewed by Staff.

16 Adam’s Moving committed 55 additional violations of WAC 480-15-630(7).

VIII. FIFTH CAUSE OF ACTION
(389 violations of WAC 480-15-710 – Incorrect or incomplete bills of lading)

17 WAC 480-15-710(2) provides, “The carrier must issue a bill of lading for each shipment of household goods it transports and must give the customer a completed copy of the bill of lading used for the customer’s shipment.” WAC 480-15-710(3) provides, “The carrier must include the information in a bill of lading as described in the commission’s tariff.” Commission Tariff 15-C, Item 95(1), specifies the information that must appear in each bill of lading.

18 Adam's Moving committed the following violations related to Tariff 15-C, Item 95(1):

- **Item 95(1)(a):** The company failed to record one or more of the following items: company name, permit number, address, telephone number, fax number, website, or email address. The company committed 55 violations.
- **Item 95(1)(b):** The company failed to record complete customer names and/or telephone numbers. The company committed 15 violations.
- **Item 95(1)(d, e):** The company failed to record exact origin and/or destination addresses. The company committed 40 violations.
- **Item 95(1)(f):** The company failed to record additional pickup points or stops to partially load or unload. The company committed 3 violations.
- **Item 95(1)(h):** The company failed to indicate in a separate section whether the associated estimate was binding or nonbinding. The company committed 55 violations.
- **Item 95(1)(i):** The company failed to state that, when using a nonbinding estimate, the company must release a shipment to a customer upon payment of no more than 110 percent of the estimated charges. The company committed 55 violations.
- **Item 95(1)(j):** The company failed to state that, pursuant to an established policy, it would extend credit for at least 30 days. The company committed 55 violations.
- **Item 95(1)(k):** The company failed to include mandatory language regarding loss and damage protection. The company committed 55 violations.
- **Item 95(1)(m):** For shipments calculated using hourly rates, the company failed to document start, stop, and interruption times for each employee involved in the move. The company committed 55 violations.
- **Item 95(1)(n):** The company recorded unidentified customer charges. The company committed 1 violation.

19 Adam's Moving committed 389 violations of WAC 480-15-710.

IX. SIXTH CAUSE OF ACTION
(1 violation of WAC 480-15-490(3) – Unauthorized minimum charge)

20 WAC 480-15-490(3) provides, "All household goods carriers are required to follow the terms, conditions, rates and all other requirements imposed by the commission-published tariff." Commission Tariff 15-C, Item 230(7) provides, "Carriers will charge the following minimum charges: . . . For service provided at the customer's request: . . . A minimum of one hour, Monday through Friday, excluding state-recognized holidays, between 8:00 a.m. and 5:00 p.m.

21 Adam's Moving improperly charged a two-hour minimum in connection with one weekday (Monday) move.

22 Adam's Moving committed 1 violation of WAC 480-15-490(3).

X. SEVENTH CAUSE OF ACTION
(14 violations of WAC 480-15-490(3) – Improper credit card fees)

23 WAC 480-15-490(3) provides, "All household goods carriers are required to follow the terms, conditions, rates and all other requirements imposed by the commission-published tariff." Commission Tariff 15-C does not authorize credit or debit card fees.

24 Adam's Moving improperly charged a credit card fee in connection with 14 residential moves.

25 Adam's Moving committed 14 violations of WAC 480-15-490(3).

XI. EIGHTH CAUSE OF ACTION
(10 violations of WAC 480-15-610 – Improper advertisements)

26 WAC 480-15-610(1) provides, "Carriers must include the commission-issued permit number, name or trade name as recorded at the commission, physical address and telephone number in any advertising for household goods moving services." WAC 480-15-610(2) provides, "Advertisements may not be misleading, false or deceptive."

27 Adam's Moving committed the following violations of WAC 480-15-610(1):

- **Permit number.** The company failed to display its Commission-issued permit number on its website, on Facebook, and in its customer correspondence. The company committed 3 violations.
- **Physical address.** The company failed to display its physical address on its website, on Facebook, in its Craigslist advertisements, and in its customer correspondence. The company committed 4 violations.
- **Company name.** The company failed to display its name or trade name as recorded at the Commission on its website, on Facebook, and in its customer correspondence. The company committed 3 violations.

28 Adam's Moving committed 10 violations of WAC 480-15-610.

XII. APPLICABLE LAW

29 Under RCW 81.04.380, a public service company that violates any order or rule of the Commission or any provision of Title 81 RCW is subject to a penalty of up to one thousand dollars for each violation. In the case of a continuing violation, every day's continuance thereof constitutes a separate and distinct violation. RCW 81.04.380.

XIII. REQUEST FOR RELIEF

30 Staff requests that the Commission find that Adam's Moving committed the violations alleged above.

31 Staff further requests that the Commission, pursuant to its authority under RCW 81.04.380, impose the following monetary penalties on Adam's Moving:

- **First Cause of Action.** Up to \$1,000 for 55 violations of WAC 480-15-620(1) – failure to provide moving guides.
- **Second Cause of Action.** Up to \$1,000 for 21 violations of WAC 480-15-630 – failure provide written estimates.
- **Third Cause of Action.** Up to \$1,000 for 34 violations of WAC 480-15-630(7) – incomplete estimates.
- **Fourth Cause of Action.** Up to \$1,000 for 55 violations of WAC 480-15-630(7) – failure to provide cube sheets.
- **Fifth Cause of Action.** Up to \$1,000 for 389 violations of WAC 480-15-710 – incorrect or incomplete bills of lading.
- **Sixth Cause of Action.** Up to \$1,000 for 1 violation WAC 480-15-490(3) – unauthorized minimum charge.
- **Seventh Cause of Action.** Up to \$500 for *each* of 14 violations of WAC 480-15-490(3) – improper credit card fees, for a total requested penalty of \$7,000.
- **Eighth Cause of Action.** Up to \$1,000 for 10 violations of WAC 480-15-610 – improper advertisements.

32 In total, Staff requests that the Commission impose up to \$14,000 in penalties.

33 Staff further requests that the Commission order Adam's Moving to issue refunds to all customers who were improperly charged a credit card fee during the two year period preceding the service date of this complaint.

34 Staff further requests that the Commission order such other relief as appropriate under the circumstances.

XIV. PROBABLE CAUSE

35 Based on a review of Staff's investigation report and all supporting documents, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds that probable cause exists to issue this complaint.

XV. NOTICE OF BRIEF ADJUDICATIVE PROCEEDING

36 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for determining whether the alleged violations occurred and, if so, the appropriate remedy for those violations.

37 **THE COMMISSION GIVES NOTICE That it will hold a brief adjudicative proceeding in this matter at 9:30 a.m., on Tuesday, March 17, 2015, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

38 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.

39 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

40 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5:00 p.m. on Tuesday, March 10, 2015**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and – 145.

41 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

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 SW
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Julian Beattie
Assistant Attorney General
1400 S. Evergreen Park Drive SW
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225
jbeattie@utc.wa.gov

Respondent: Adam's Moving and Delivery Service, LLC
17355 First Avenue NW
Shoreline, WA 98177

43 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding

44 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective January 28, 2015.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge
Director, Administrative Law Division

Inquiries may be addressed to:

Executive Director and 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: 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: Steven King, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION.)

Docket: _____

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.: (_____)_____