

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TV-143648
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	COMPLAINT FOR PENALTIES;
)	NOTICE OF BRIEF
v.)	ADJUDICATIVE PROCEEDING
)	
ALL STAR TRANSFER, LARON)	
WILLIAMS INC., D/B/A ALLSTAR)	(Set for Friday, March 20, 2015, at
MOVING & STORAGE, ALLSTAR)	9:30 a.m.)
MOVERS, AND CAREFUL MOVERS)	
)	
Respondent.)	
.....)	

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

I. BACKGROUND

2 On July 18, 2013, Washington Utilities and Transportation Commission Staff (Staff) initiated a compliance investigation into the business practices of All Star Transfer, Laron Williams Inc., d/b/a Allstar Moving & Storage, Allstar Movers, and Careful Movers (All Star Transfer or Company). Staff initiated its investigation as a result of a consumer complaint filed against All Star Transfer in which Staff found that the Company committed 42 violations of WAC 480-15 and Household Goods Tariff 15-C. Staff provided the Company with technical assistance for all 42 violations.

3 During its subsequent investigation, Staff reviewed documents related to 57 intrastate moves conducted by All Star Transfer between April 1, 2013, and June 30, 2013. The documents reviewed included estimates, bills of lading, tables of measurements (cube sheets), and receipts for customer payment transactions. Staff also examined claims filed against the Company during the review period. Staff determined that the Company violated multiple state laws and Commission rules, as described below.

II. PARTIES

4 The Washington Utilities and Transportation Commission is an agency of the state of Washington, authorized by RCW Chapter 81.80 to regulate companies that transport household goods within the state of Washington.

5 All Star Transfer is a household goods carrier subject to regulation by the Commission under RCW Chapter 81.80.

III. JURISDICTION

6 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 81.04.070, RCW 81.04.110, RCW 81.04.230, RCW 81.80.130, RCW 81.80.330, RCW Chapter 81.80, and WAC Chapter 480-15.

IV. FIRST CAUSE OF ACTION

(137 violations of WAC 480-15-630 and Tariff 15-C, Item 85 for failure to properly complete estimates)

7 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-6 above.

8 WAC 480-15-630 requires household goods carriers to provide a written estimate to every customer prior to moving a shipment of household goods and must issue a written supplemental estimate when required by Commission rule or tariff. The initial estimate may be a binding or nonbinding estimate.

9 WAC 480-15-620(1) requires that carriers must give each customer a copy of the commission publication, *Consumer Guide to Moving in Washington State* at the time the carrier provides the customer a written estimate.

10 WAC 480-15-630(7) requires that carriers must complete the estimates as required by Tariff 15-C.

11 WAC 480-15-630(8) requires that all written estimates must be signed and dated by both the carrier and customer prior to the move.

- 12 Tariff 15-C, Item 85(2)(c) requires that all estimates include 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*.
- 13 Tariff 15-C, Item 85(2)(f) requires that all estimates include the origin, destination, and any intermediate stops for the shipment.
- 14 Tariff 15-C, Item 85(2)(g) requires that all estimates include a household goods cube sheet inventory of the items upon which the estimate is based and the estimated cubic footage for each item.
- 15 Tariff 15-C, Item 85(2)(m) requires that all estimates include charges for loss or damage protection coverage.
- 16 Tariff 15-C, Item 85(2)(p) and Item 85(2)(q) require that all estimates contain information relating to whether the estimate is binding or non-binding.
- 17 Tariff 15-C, Item 85(2)(r) requires that all estimates include the forms of payment the carrier will accept, including any terms or conditions that apply to the method of payment, such as interest rates charged for credit plans.
- 18 Tariff 15-C, Item 85(2)(s) requires that all estimates include signatures of the carrier personnel completing the form and the customer and the dates each signed.
- 19 All Star Transfer violated WAC 480-15-630 and Tariff 15-C by failing to properly complete estimate forms in accordance with the Commission rules and tariff requirements listed in paragraphs 8 through 18 above on 137 occasions reviewed by Staff. This results in 137 separate and distinct violations.

VI. SECOND CAUSE OF ACTION
(25 violations of WAC 480-15-710 and Tariff 15-C,
Item 95 for failure to properly complete bills of lading)

- 20 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-19 above.
- 21 WAC 480-15-710(2) requires that household goods carriers 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.
- 22 WAC 480-15-710(3) requires that the carrier must include the information in a bill of lading as described in the Commission's tariff.
- 23 Tariff 15-C, Item 95(1) requires that both the carrier and the customer must sign and date the bill of lading.
- 24 Tariff 15-C, Item 95(1)(e) requires that all bills of lading include the exact address of the destination of the move.
- 25 Tariff 15-C, Item 95(1)(h) requires that all bills of lading include a separate section of the form that indicates whether the associated estimate is binding or non-binding.
- 26 Tariff 15-C, Item 95(1)(k) requires that all bills of lading include a section, as described in the tariff, where the customer must select, by signing his or her initials, the type of loss and damage protection for the shipment.
- 27 All Star Transfer violated WAC 480-15-710(3) and Tariff 15-C, Item 95 on 25 occasions because the Company failed to complete its bills of lading with the requirements set forth in paragraphs 21 through 26 above. This results in 25 separate and distinct violations.

VIII. THIRD CAUSE OF ACTION
(57 violations of WAC 480-15-390 for failure to conduct
operations under only permitted trade names)

- 28 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-27 above.
- 29 WAC 480-15-390(1) requires that a carrier must conduct operations under the exact name shown on its household goods permit. If a carrier does business under a trade or assumed name, that name must also appear on the permit.
- 30 All Star Transfer violated WAC 480-15-390(1) on 57 occasions because the Company issued sales receipts for all 57 moves reviewed by Staff with “Northwest Cartage, Inc. dba All Star Transfer” printed in the header, and Northwest Cartage, Inc. is not a registered trade name of the Company. This results in 57 separate and distinct violations.

IX. FOURTH CAUSE OF ACTION
(35 violations of WAC 480-15-490(3) and Tariff 15-C for failure to follow the
rates, terms, and conditions set forth in the Commission-published tariff)

- 31 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-30 above.
- 32 WAC 480-15-490(3) requires household goods carriers to follow the rates, terms, and conditions authorized in the Commission-published tariff.
- 33 For shipments calculated using hourly rates, Tariff 15-C, Item 95(1)(m) requires that carriers include the time the vehicle leaves the carrier’s terminal and the time it returns to the terminal, or when the carrier was released to go to another customer, and the start, stop, and any interruption time for each employee involved in the move.
- 34 For shipments calculated using hourly rates, Tariff 15-C, Item 230(2) requires that carriers require employees to record breaks and interruptions. The customer must not be charged for breaks and interruptions caused by the carrier’s personnel.

- 35 WAC 296-126-092 requires that employers give breaks to employees for any time worked in excess of five hours.
- 36 Tariff 15-C, Item 95(1)(n) requires that the bill of lading include the amount and type of every charge assessed as a separate line item. Each charge must be fully described in sufficient detail to determine if proper rates were charged according to the tariff or, where no tariff charges exist, in sufficient detail to determine the exact nature, number, and type of charges.
- 37 Tariff 15-C, Item 80(3) provides that a carrier may only charge an additional 25 percent above a nonbinding estimate plus any supplemental estimates.
- 38 All Star Transfer violated WAC 480-15-490(3) and Tariff 15-C, Item 95(1)(m) on ten occasions for failure to record the start and stop time of employees on the bill of lading. This results in ten separate and distinct violations.
- 39 All Star Transfer violated WAC 480-15-490(3) and Tariff 15-C, Item 230(2) on 17 occasions for failure to record on bills of lading the breaks or interruptions by Company employees that presumably occurred in accordance with WAC 480-296-126-092. This results in 17 separate and distinct violations.
- 40 All Star Transfer violated WAC 480-15-490(3) and Tariff 15-C, Item 95(1)(n) on three occasions for failure to document assessed charges in sufficient detail. This results in three separate and distinct violations.
- 41 All Star Transfer violated WAC 480-15-490(3) on three occasions for failure to properly calculate the charges for three moves. This results in three separate and distinct violations.
- 42 All Star Transfer violated WAC 480-15-490(3) and Tariff 15-C, Item 80(3) on two occasions for charging more than an additional 25 percent of the original estimate for two moves. This results in two separate and distinct violations.
- 43 The violations alleged in paragraphs 38 through 42 resulted in customers being overcharged a total of \$2,378.32.

X. APPLICABLE LAW

44 A public service company that violates any order or rule of the Commission or any provision of RCW Title 81 is subject to a penalty up to \$1,000 for each violation. RCW 81.04.380. In the case of a continuing violation, every day's continuance represents a separate and distinct violation. *Id.*

45 Under RCW 81.04.230, if the Commission finds that the public service company charged an amount for any service rendered in excess of the lawful rate in force at the time such charge was made, the Commission may order the public service company to refund the amount of overcharges.

XI. REQUEST FOR RELIEF

46 Staff requests that the Commission find that All Star Transfer committed violations of the Commission rules and state laws set forth in the allegations above.

47 Staff requests that the Commission, pursuant to its authority under RCW 81.04.380, impose monetary penalties on All Star Transfer for violations of Commission rules and state laws.

48 Staff requests that the Commission require the Company to refund excess charges to customers who were overcharged as set forth in the allegations above.

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

XII. PROBABLE CAUSE

50 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 probable cause exists to issue this complaint.

XIV. NOTICE OF BRIEF ADJUDICATIVE PROCEEDING

51 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.

52 **THE COMMISSION GIVES NOTICE that it will hold a brief adjudicative proceeding in this matter at 9:30 a.m., Friday, March 20, 2015, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

53 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.

54 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.

55 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., March 13, 2015**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and – 145.

56 **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.**

57 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: Christopher Casey
Assistant Attorney General
1400 S. Evergreen Park Drive SW
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1189
ccasey@utc.wa.gov

Respondent: All Star Transfer, Laron Williams Inc.
d/b/a Allstar Moving & Storage;
d/b/a Allstar Movers; d/b/a Careful Movers
24111 Hwy 99, Suite 303
Edmonds, WA 98026

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

59 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 February 11, 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
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.: (_____)_____