

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application of  
AmericaM Movers, LLC,  
for a permit to operate as a motor carrier of  
household goods

DOCKET TE-190858

COMMISSION STAFF'S RESPONSE  
TO EX PARTE COMMUNICATION

1           On January 29, 2020, the Utilities and Transportation Commission (Commission) held a hearing regarding AmericaM Movers, LLC's (AmericaM) application for a permit to operate as a household goods carrier. On February 3, AmericaM sent the presiding officer of the hearing an e-mail presenting additional testimony as to why the Commission should grant AmericaM's application. On the same day, the Commission issued a Notice of Ex Parte Communication and invited any party to file a rebuttal statement.

2           Under WAC 480-07-310(4), "[m]aterials pertaining to ex parte communications or rebuttal statements do not constitute evidence of any fact at issue in the proceeding unless a party moves to admit any portion of them into the evidentiary record for purposes of establishing a fact at issue and the commission admits that portion into the record pursuant to RCW 34.05.452."

3           AmericaM's February 3rd e-mail is not part of the record established at the January 29 hearing, and therefore the Commission cannot consider the information in the e-mail as part of the resolution of this case. AmericaM has not filed a motion to admit the e-mail into the record, and even if it had, the e-mail contains testimony that has not been made under oath or affirmation. RCW 34.05.452(3). Consequently, the Commission should resolve this application without considering the February 3rd e-mail.

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DATED February 10, 2020.

Respectfully submitted,

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