

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper	)	DOCKET TV-121722
Carrier Classification of, and Complaint)	
for Penalties against:	)	ORDER 02
)	
3 RD GENERATION MOVERS AND	)	FINAL ORDER ACCEPTING
HAULING, A+ ALWAYS MOVING,	)	PETITION FOR
INC., AA STAR TRANSFER CO.,	)	ADMINISTRATIVE REVIEW,
INC., ALWAYS ABLE MOVING	)	REOPENING RECORD, AND
SERVICE, LLC, ARAYS MOVING	)	CANCELLING PERMIT ONLY IF
SERVICE, LLC, GRAYPORT	)	3 RD GENERATION MOVERS AND
TRANSFER & STORAGE CO., INC.,	)	HAULING FAILS TO PAY
THUNDER MOVERS, LLC	)	PENALTY ASSESSMENT
)	
.....)	

1 On December 31, 2012, the Commission issued a complaint against 3rd Generation Movers and Hauling (3rd Generation or Company) and other household goods companies.¹ The complaint alleged that 3rd Generation failed to file the required annual report for 2011 and also failed to pay regulatory fees for 2012. On February 4, 2012, the Commission held a hearing in which the Commission heard testimony and admitted exhibits. On March 12, 2013, the Commission issued Order 01, an initial order finding that 3rd Generation had not filed its annual report or paid its annual fees and late fee penalty and cancelled 3rd Generation’s household goods carrier permit.

2 On April 1, 2013, Commission Staff filed a petition for administrative review of the initial order (Petition).² In the Petition, Staff states that on March 1, 2013, 3rd Generation filed its 2011 annual report and paid its 2012 regulatory fee. 3rd

¹ Commission Staff’s petition for administrative review concerns only 3rd Generation, and therefore this order refers only to 3rd Generation. Order 01 is final with respect to the other respondents in this docket.

² In a formal proceeding such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and an opportunity for all parties to participate. See RCW 34.05.455.

Generation has not, however, paid the \$2,100 penalty assessed against it on July 23, 2012, in Docket TV-120900, for failure to file its 2011 annual report and pay its 2012 regulatory fee.³ As is usual in such situations, the Commission has sent the unpaid penalty to a collections agency, which has not collected any of the debt.

- 3 Staff urges the Commission to dismiss 3rd Generation from this docket instead of cancelling the company's permit. Staff argues that the purpose of its original complaint was to secure compliance with annual report and regulatory fee submission requirements, and states that such compliance has been achieved.⁴ Moreover, Staff adds that 3rd Generation is a newly-permitted household goods carrier that in fact came into compliance with its regulatory requirements before the Commission's March 12 order.
- 4 We agree with Staff that our primary concern is ensuring that companies comply with their regulatory obligations, and 3rd Generation has filed its annual report and paid its annual regulatory fee, albeit after the hearing cancelling its permit, but before the Commission issued the cancellation order. The Commission, therefore, will reopen the record in this proceeding to admit the evidence of 3rd Generation's compliance with regulatory requirements.
- 5 Commission Staff, however, offers no basis for not requiring 3rd Generation to pay the penalty assessed against the Company last July. The Commission assessed that penalty for 3rd Generation's failure to file its annual report and pay its regulatory fee, and the Company is not in compliance with its regulatory obligations in this proceeding unless and until it pays that penalty. 3rd Generation, therefore, must pay the \$2,100 penalty, or the Commission will cancel the Company's permit, the same condition the Commission adopted for similarly-situated companies in the March 12 order. The Commission will, however, permit 3rd Generation to pay the penalty in five installments of \$420.00 each, due and payable to the Commission on the first day of each month beginning July 1, 2013. The Commission will also withdraw the penalty from the collections agency.

³ Staff Petition at 2.

⁴ *Id.* at 3.

ORDER

THE COMMISSION ORDERS:

- 6 (1) Commission Staff's petition for administrative review of Order 01 is
GRANTED.
- 7 (2) 3rd Generation's household goods moving permit will be cancelled for failure
to timely file its annual report and pay its regulatory fee only if 3rd Generation
does not pay the previously assessed penalty of \$2,100 to the Commission in
five installments of \$420.00 each, due and payable to the Commission on the
first of each month beginning July 1, 2013.
- 8 (3) Commission Staff shall notify the Executive Director if 3rd Generation does
not pay any of the penalty installments described herein, and the Executive
Director shall have delegated authority to take the appropriate action under
this order.

DATED at Olympia, Washington, and effective, June 20, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

PHILIP B. JONES, Commissioner

JEFFREY D. GOLTZ, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 and WAC 480-07-870.