

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the
Proper Carrier Classification of, and
Complaint for Penalties Against

LUGG, INC.,

DOCKET TV-200029

ORDER 02

INITIAL ORDER GRANTING
DEFAULT; CLASSIFYING
RESPONDENT AS A HOUSEHOLD
GOODS CARRIER; ORDERING
RESPONDENT TO CEASE AND
DESIST; IMPOSING PENALTIES

BACKGROUND

- 1 **NATURE OF PROCEEDING.** On April 29, 2020, the Washington Utilities and Transportation Commission (Commission) issued Order 01, which instituted a special proceeding against Lugg, Inc. (Lugg or Company). Order 01 alleged that the Company violated RCW 81.80.075 a total of 10 times by engaging in business as a household goods carrier without first having obtained a permit from the Commission. Order 01 further alleged that the Company violated RCW 81.80.355 a total of eight times by advertising for the transportation of property within this state without first having obtained from the Commission a common carrier permit, and that the Company violated RCW 81.77.040 four times by operating for the hauling of solid waste without first having obtained from the Commission a certificate of public convenience and necessity.
- 2 **CONFERENCE.** The Commission convened a virtual prehearing conference on August 5, 2020, before Administrative Law Judge Michael Howard. Staff and Public Counsel were the only parties who appeared at the prehearing conference.
- 3 **APPEARANCES.** Jeff Roberson, Assistant Attorney General, Olympia, Washington, represents Commission staff (Staff).¹ Lisa Gafken, Nina Suetake, and Ann Paisner,

¹ In formal proceedings 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 this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

Assistant Attorneys General, Seattle, Washington, represent the Office of Public Counsel (Public Counsel). Lugg did not appear at the prehearing conference. Contact information for the parties' representatives is attached as Appendix A to this Order.

4 **Motion for Default.** At the August 5, 2020 prehearing conference, Staff moved for default. Staff noted that Order 01 informed Lugg that it could be held in default for failing to appear at the prehearing conference.

5 Staff presented testimony from compliance investigator Jacque Hawkins-Jones. Hawkins-Jones testified that Staff contacted Lugg by emailing Company president and co-founder Jordan Brown at jordan@lugg.com on July 27, 2020, to remind the Company of its obligation to appear at the prehearing conference. Although the Company did not respond, Hawkins-Jones states that Brown has previously responded to Staff's emails from the same email address.²

6 Staff also submitted that the affidavit of service, contained in the record, indicated that the Company was properly served with Order 01. The affidavit from Meisha Johnson, customer service specialist, indicates that Lugg was served a copy of Order 01 by both electronic mail and hand delivery on April 29, 2020.

7 Public Counsel indicated that it supports Staff's motion for default.

8 **Staff's Request for a Ruling on the Merits.** Staff also requested that the Commission resolve the substantive issues in this proceeding. Hawkins-Jones described Staff's April 2020 investigation of Lugg as documented in Staff's Investigation Report.³ Hawkins-Jones testified that Lugg does not possess a household goods carrier permit or any other required authority from the Commission, and that the Company has not applied for any permit or certificate. Staff requests the Commission impose the full penalty of \$62,000, as follows:

- \$5,000 for each of the 10 violations of RCW 81.80.75(1), for a total penalty of \$50,000;
- \$1,000 for each of the 8 violations of RCW 81.80.355, for a total penalty of \$8,000; and

² Hawkins-Jones, TR 11:1-23.

³ Hawkins-Jones, TR 19 *et seq.*, *see also* Hawkins Jones, Exh. JHJ-1.

- \$1,000 for each of the 4 violations of RCW 81.77.040, for a total penalty of \$4,000.

9 Public Counsel supports Staff’s recommendation. Furthermore, Public Counsel requests that the Commission order Lugg to cease and desist operating unless and until it obtains the required Commission-issued authority.

DISCUSSION

10 **Motion for Default.** RCW 34.05.440(2) allows the presiding officer discretion to enter a “default or other dispositive order” if a party fails to appear at the hearing: “If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding ... the presiding officer may serve upon all parties a default or other dispositive order, which shall include a statement of the grounds for the order.” WAC 480-07-450(1) similarly provides that that the Commission may find a party in default if the party fails to appear at the time and place set for a hearing.

11 We grant Staff’s motion for default based on Lugg’s failure to appear at the prehearing conference. The affidavit of service indicates that Lugg was served a copy of Order 01 on April 29, 2020. Order 01 clearly advised the Company that it may be held in default in accordance with the terms of RCW 34.05.440 and WAC 480-07-450 for failing to attend the prehearing conference. Lugg has not contacted the presiding officer or otherwise shown good cause for its failure to attend since the prehearing conference.

12 We also note that Lugg has failed to respond to communications from both Staff and Public Counsel. Staff reminded Brown of the prehearing conference via email but did not receive any response.⁴ On July 9, 2020, Public Counsel filed a Motion to Invoke Discovery Rules, noting the Company’s non-responsiveness.

13 **Ruling on the Merits.** In light of the Commission’s decision to find Lugg in default, we grant Staff’s request to resolve the case on its merits. Lugg has operated as a household goods carrier, a common carrier, and a solid waste collection company without first obtaining required authority. Because the Commission finds Lugg in default, the Commission may resolve the issues in this proceeding without Lugg’s participation.⁵

A. Operating as a household goods carrier

⁴ Hawkins-Jones, TR 11:1-23.

⁵ See RCW 34.04.440(3).

- 14 Household goods carriers, freight carriers, and solid waste collection companies are common carriers. RCW 81.04.010(11). For the purposes of Title 81 RCW, every common carrier is a public service company, and therefore subject to Commission regulation.⁶
- 15 Under state law, the definition of “household goods carrier” includes a person who “advertises, solicits, offers, or enters into an agreement to transport household goods” as defined by the Commission within the state of Washington.⁷ The term “person” encompasses firms as well as an individuals.⁸ Specifically included in this term are companies, corporations, and partnerships.⁹
- 16 The Commission defines household goods as “the personal effects and property used, or to be used, in a residence” in the context of transportation from one residence to another, or to a storage facility.¹⁰ No person may engage in business as a household goods carrier within the state of Washington without first obtaining a household goods carrier permit from the Commission.¹¹
- 17 Any person who engages in business as a household goods carrier in the state of Washington without the required permit is subject to a penalty of up to \$5,000 per violation.¹² If the basis for the violation is advertising, each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation.¹³
- 18 Lugg is an internet-based startup company from the Silicon Valley area.¹⁴ The Company’s business model is comparable to the popular ride-sharing services Uber and Lyft.¹⁵ Rather than providing passenger service, the Company focuses on providing customers with two “Luggers” (sometimes described as “movers”) and either a truck or a

⁶ See RCW 80.01.040(2); RCW 81.01.010.

⁷ RCW 81.80.010(5).

⁸ RCW 81.04.010(6), *accord* RCW 1.16.080(1).

⁹ WAC 480-15-020.

¹⁰ WAC 480-15-020.

¹¹ RCW 81.80.075(1).

¹² RCW 81.80.075(4).

¹³ RCW 81.80.075(4)(a).

¹⁴ Hawkins-Jones, Exh. JHJ-2 at 2.

¹⁵ See Hawkins-Jones, Exh. JHJ-2 at 8-9.

van to complete the task.¹⁶ Customers contact the Company through its website or download the Company's application on their mobile phone.¹⁷ Lugg advertises that the customer can "[m]ove into your apartment with a tap" and that "[w]e move it all."¹⁸ The movers place items in the room of the customer's choice.¹⁹ Customers are able to obtain quotes for services, including household goods moves, which Lugg then subcontracts with other persons or entities to perform.²⁰ It does not appear that Lugg requires these subcontractors to hold Commission-issued permits.²¹

19 Although Lugg has expanded into Washington state, it has not sought any required permits from the Commission or even registered with the Washington Secretary of State.²² On September 12, 2019, Staff sent Lugg a technical assistance letter explaining that Staff found the Company advertising for household goods moving services in Washington. The letter explained that the Commission regulates the moving of household goods items; that only permitted household goods carriers may move these items for compensation; and that operating without the required permit may result in penalties.²³ On December 4, 2019, Staff sent Lugg a follow-up compliance letter, noting that the Company may be subject to enforcement action.²⁴ Hawkins-Jones testified that the Company did not respond to either letter.²⁵

20 On December 23, 2019, Staff obtained a quote for a move in January 2020 using the Company's mobile phone application.²⁶ The Company provided a quote for moving the contents of a "2 bedroom, 2 bath apartment" to another apartment.²⁷ Staff also obtained a

¹⁶ *Id.* see also Hawkins-Jones, Exh. JHJ-2 at 26.

¹⁷ Hawkins-Jones, Exh. JHJ-1 at 6.

¹⁸ Hawkins-Jones, Exh. JHJ-3 at 4-5.

¹⁹ Hawkins-Jones, Exh. JHJ-2 at 27.

²⁰ *Id.* at 6, 10.

²¹ *Id.* at 10.

²² See Hawkins-Jones, Exh. JHJ-2 at 24 (indicating that Lugg is not registered with Washington's Secretary of State).

²³ Hawkins-Jones, Exh. JHJ-2 at 10-11.

²⁴ Hawkins-Jones, Exh. JHJ-2 at 12-13.

²⁵ Hawkins-Jones, TR 21:24, 22:18.

²⁶ Hawkins-Jones, Exh. JHJ-2 at 14-15.

²⁷ *Id.*

screenshot of the Company's Yelp page, which described the Company offering furniture moving and local moving, among other services, in Washington state.²⁸ The Company has "claimed" its Yelp page.²⁹

- 21 On January 17, 2020, Staff contacted Lugg co-founder Brown by email, explaining that the Commission had not received any response from the Company and that this was the last notice the Company would receive prior to the Commission taking enforcement action.³⁰
- 22 On February 4, 2020, Brown responded to Staff's email. Brown stated: "When we first received your notice, we stopped accepting any household goods/waste removal/common carrier requests from customers in the state of Washington. We have stopped advertising it on the Seattle webpage."³¹ Brown further stated that the Company was in the process of obtaining required permits in Washington. As Hawkins-Jones testified, Staff found that these representations were incorrect.³²
- 23 Indeed, Lugg continued to advertise household goods moving services in Washington. On February 7, 2020, Staff responded to Brown by email, stating that the Company's website still listed Seattle as a city the Company serves, and that Staff was able to obtain estimates from the Company's website.³³ Hawkins-Jones testified that Brown did not respond to this email.³⁴
- 24 On March 30, 2020, Staff captured a screenshot of the Company's webpage showing that it still advertised services throughout the Puget Sound area.³⁵ The Company also

²⁸ Hawkins-Jones, Exh. JHJ-2 at 53.

²⁹ *Id.*

³⁰ Hawkins-Jones, Exh. JHJ-2 at 16-17.

³¹ Hawkins-Jones, Exh. JHJ-2 at 18-19.

³² Hawkins-Jones, TR 25:7.

³³ Hawkins-Jones, Exh. JHJ-2 at 20, *see also* Hawkins-Jones, Exh. JHJ-2 at 21 (February 4, 2020 screenshot from lugg.com).

³⁴ Hawkins-Jones, TR 26:6.

³⁵ Hawkins-Jones, Exh. JHJ-2 at 34.

maintained advertisements on Craigslist,³⁶ Facebook,³⁷ Twitter,³⁸ Instagram,³⁹ and Pinterest.⁴⁰

- 25 On March 30, 2020, Staff obtained a second quote for a household goods moving services using the Company's website.⁴¹ The Company gave a quote for moving "1 bedroom apartment Couch Dresser nightstand coffee table approx. medium boxes Queen bed," with a move date of April 7, 2020.⁴²
- 26 The Commission finds that the record contains ample evidence that Lugg is operating as a household goods carrier without the required permit. Lugg continued to advertise and to provide quotes for services even after assuring Staff that it was ceasing operations in Washington and was seeking required permits.
- 27 Importantly, Lugg does not avoid classification as a household goods carrier by subcontracting with third parties to provide the physical moving service. The statutory definition of "household goods carrier" includes a person who "advertises, solicits, offers, or enters into an agreement to transport household goods."⁴³ This definition encompasses Lugg's role in the moving process. As the Commission has previously held: "The Commission has addressed whether companies who engage third parties to perform regulated activities are subject to Commission jurisdiction several times in the context of both household goods and passenger transportation, and has consistently reached the same conclusion: such companies are subject to the Commission's jurisdiction."⁴⁴ Thus, a company may not avoid classification by hiring subcontractors to perform the physical moving services.⁴⁵

³⁶ Hawkins-Jones, Exh. JHJ-2, p. 51.

³⁷ *E.g.*, Hawkins-Jones, Exh. JHJ-4, p. 1.

³⁸ Hawkins-Jones, Exh. JHJ-5, pp. 1-2.

³⁹ Hawkins-Jones, Exh. JHJ-2, p. 48.

⁴⁰ *E.g.*, Hawkins-Jones, Exh. JHJ-2 at 49.

⁴¹ Hawkins-Jones, Exh. JHJ-2 at 23.

⁴² *Id.*

⁴³ RCW 81.80.010(5), *accord* WAC 480-15-020.

⁴⁴ *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against Dolly, Inc.*, Docket TV-171212 Order 04 ¶ 19 (May 18, 2018) (internal citation omitted).

⁴⁵ *Id.* ¶ 20.

- 28 We find no reason to depart from Commission precedent given the facts of this case. Similar to other companies the Commission has previously classified as household goods carriers, Lugg advertises and contracts with the customer to provide moving services. There is no evidence that the customer separately contracts with the third-party provider, or that these third-party providers are required to obtain a household goods carrier permit. Moreover, Lugg's attempt to disclaim its role through its Terms of Service is not persuasive. For example, Lugg requires that customers agree that Lugg is not providing moving services; that Lugg does not guarantee the suitability or safety of its third-party subcontractors; and that Lugg is not liable for any damages arising from these services.⁴⁶ These terms disregard the statutory definition of a household goods carrier and evade various protections afforded to Washington state consumers.
- 29 We therefore find that the Company violated RCW 81.80.075(1) a total of 10 times by engaging in business as a household goods carrier without first having obtained a permit from the Commission.

B. Operating as a motor freight common carrier

- 30 In the context of motor freight carriers, the term "[c]ommon carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules."⁴⁷ No motor freight common carrier may operate for the transportation of property for compensation in Washington without first obtaining a permit from the Commission.⁴⁸
- 31 No person may display on any building, vehicle, billboard, or in any manner, any advertisement of, or by circular, letter, newspaper, magazine, poster, card, or telephone directory, advertise the transportation of property for compensation without first having obtained a permit authorizing him or her to operate as a common carrier.⁴⁹
- 32 The general penalty provisions in chapter 81.04 RCW apply to violations of the provisions of chapter 81.80 RCW unless those provisions specify otherwise.⁵⁰ Chapter

⁴⁶ Hawkins-Jones, Exh. JHJ-2 at 35-40 (Terms of Service).

⁴⁷ RCW 81.80.010(1).

⁴⁸ RCW 81.80.070(1).

⁴⁹ RCW 81.80.355.

⁵⁰ RCW 81.80.360.

81.04 RCW prescribes penalties of up to \$1,000 for each and every violation of the public service laws by a public service company.⁵¹

33 In addition to providing household goods carrier services, Lugg also provides motor freight common carrier services. The Company’s website advertises for “Craigslist pickup and delivery” and “Pick up and delivery to and from storage.”⁵² The Company allows the customer to “[s]chedule 2 strong movers and a truck to help you move anything, anywhere, anytime. If it fits in a truck, we’ll move it!”⁵³ Lugg advertised for the transport of property by motor vehicle within Washington for compensation on its website, Facebook, Instagram, Twitter, Craigslist, Pinterest, the Apple Store, and Lugg’s Seattle Yelp page.⁵⁴

34 Accordingly, we find that Lugg violated RCW 81.80.355 a total of eight times by advertising for the transportation of property within this state without first having obtained from the Commission a common carrier permit.

C. Operating as a solid waste collection company

35 No solid waste collection company may operate for the hauling of solid waste for compensation without first obtaining a certificate of public convenience and necessity from the Commission.⁵⁵ Under state law, a “[s]olid waste collection company’ means every person . . . owning, controlling, operating, or managing vehicles used in the business of transporting solid waste for collection or disposal, or both, for compensation, except septic tank pumpers, over any public highway in this state as a ‘common carrier’ or as a ‘contract carrier.’”⁵⁶

36 “Solid waste” includes “all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, [and] abandoned vehicles;” solid waste does

⁵¹ RCW 81.04.380.

⁵² Hawkins-Jones, Exh. JHJ-2 at 45-46.

⁵³ Hawkins-Jones, Exh. JHJ-2 at 51.

⁵⁴ See Hawkins-Jones, Exh. JHJ-2 at 21, 34, 48, 49, 51, 53; Exh. JHJ-4 at 1; Exh. JHJ-5 at 1-2.

⁵⁵ RCW 81.77.040.

⁵⁶ RCW 81.77.010.

not include recyclable materials “except for source separated recyclable materials collected from residences.”⁵⁷

37 “Operating for the hauling of solid waste for compensation includes advertising, soliciting, offering, or entering into an agreement to provide” such services.⁵⁸ Any solid waste collection company operating for the hauling of solid waste for compensation without the necessary certificate is subject to a penalty of up to \$1,000 per violation.⁵⁹ Where the alleged violation concerns advertising, each advertisement reproduced, broadcast, or displayed by a particular medium constitutes a separate violation.⁶⁰

38 Lugg applies its same business practices to solid waste collection. The Company’s website advertises “Junk removal with a tap” and that “[w]e send a truck and movers same day to remove and haul away your junk to the nearest transfer station.”⁶¹ Lugg’s “Frequently Asked Questions” indicate that it will “dispose” of items or recycle them. Lugg advertised hauling solid waste by motor vehicle within Washington for compensation on its website, on Craigslist, on its page in the Apple App Store, and on its Seattle Yelp page.⁶²

39 We therefore find that Lugg violated RCW 81.77.040 four times by operating for the hauling of solid waste without first having obtained from the Commission a certificate of public convenience and necessity.

D. Consideration of the appropriate penalty

40 The Commission considers several factors when deciding the level of penalty to impose, including, *inter alia*, how harmful or serious the violation is to the public, whether the violation was intentional, whether the company promptly corrected the violation, the likelihood of recurrence, the company’s past performance, and the size of the company.⁶³

⁵⁷ RCW 70.95.030(22); RCW 81.77.010(9).

⁵⁸ RCW 81.77.040.

⁵⁹ RCW 81.04.380.

⁶⁰ RCW 81.77.090(2).

⁶¹ Hawkins-Jones, Exh. JHJ-2 at 44.

⁶² Hawkins-Jones, Exh. JHJ-2 at 44, 51, 53; Exh. JHJ-3 at 18; Exh. JHJ-5 at 5.

⁶³ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶ 15. (January 7, 2013).

- 41 The violations at issue here are serious in nature. By operating in violation of Commission rules and disclaiming any responsibility in its Terms of Service, the Company's business practices deny Washington consumers the protections afforded by RCW Chapter 81.80 and the Commission's rules in WAC Chapter 480-15. Specifically, Lugg's customers are denied the protections provided by the Commission's rules concerning public liability and property damage insurance, cargo insurance, equipment safety requirements, driver safety requirements, and numerous other consumer protections.
- 42 Lugg has also shown a general disregard for Commission rules. Although Staff contacted the Company in September 2019, the Company has not yet sought the required permit or requested additional technical assistance from Staff. The Company continued operating in Washington even after Brown provided assurances to Staff that the Company would cease operating unless and until it obtained the proper authority from the Commission. The Company has also disregarded the Commission's directive in Order 01 by failing to appear for the prehearing conference. The Company's actions demonstrate that the violations are intentional, that they have not yet been corrected, and that they are likely to continue absent a significant financial penalty.
- 43 Finally, we note that Lugg is a relatively large company. Lugg has obtained \$3.8 million in venture capital funding,⁶⁴ and the Company currently operates in San Francisco, Silicon Valley, Los Angeles, Seattle, Phoenix, Sacramento, Denver, and San Diego.⁶⁵
- 44 Each of these factors weighs in favor of imposing the full penalty amount, which is the Commission's standard practice when a Company is held in default and Staff presents un rebutted evidence that each of the violations occurred. Accordingly, we assess a total penalty of \$62,000, as follows:
- \$5,000 for each of the 10 violations of RCW 81.80.75(1), for a total penalty of \$50,000;
 - \$1,000 for each of the 8 violations of RCW 81.80.355, for a total penalty of \$8,000; and
 - \$1,000 for each of the 4 violations of RCW 81.77.040, for a total penalty of \$4,000.

⁶⁴ Hawkins-Jones, Exh. JHJ-2 at 7.

⁶⁵ Hawkins-Jones, Exh. JHJ-2 at 22; JHJ-5 at 5.

FINDINGS AND CONCLUSIONS

- 45 (1) The Commission is an agency of the State of Washington vested by statute with authority to regulate persons engaged in the business of transporting household goods, property other than household goods, and solid waste for compensation over public roads in Washington.
- 46 (2) The Commission has jurisdiction over the subject matter of this proceeding and over Lugg.
- 47 (3) It is unlawful, under RCW 81.80.075(1), to operate as a household goods carrier in Washington without first obtaining the required permit from the Commission. Any person who engages in business as a household goods carrier without the required permit is subject to a penalty of up to \$5,000 per violation under RCW 81.80.75(4).
- 48 (4) Since September 2019, on at least 10 occasions, Lugg has advertised, solicited, or offered to transport household goods, for compensation, by motor vehicle, within the state of Washington, without first having obtained a household goods carrier permit from the Commission in violation of RCW 81.80.075(1).
- 49 (5) The Commission should assess a penalty against Lugg of \$5,000 for each violation of RCW 81.80.75(1), for a total penalty of \$50,000.
- 50 (6) Lugg is a “household goods carrier” as that term is defined in RCW 81.80.010(5) because it has continuously since September 2019 advertised, solicited, offered, or entered into agreements to transport household goods. RCW 81.80.075(1) provides that “No person shall engage in business as a household goods carrier without first obtaining a household goods carrier permit from the commission.”
- 51 (7) Lugg has neither applied for nor obtained a permit from the Commission authorizing it to conduct business as a household goods carrier.
- 52 (8) RCW 81.04.510 authorizes and requires the Commission to order an unpermitted household goods carrier such as Lugg to cease and desist immediately its activities.
- 53 (9) Since September 2019, on at least eight occasions, Lugg has advertised, solicited, or offered the transportation of property within Washington state without first having obtained from the Commission a common carrier permit, thus violating RCW 81.80.355 at least eight times. Lugg is subject to a penalty of up to \$1,000 per violation.

- 54 (10) The Commission should assess a penalty against Lugg of \$1,000 for each violation of RCW 81.80.355, for a total penalty of \$8,000.
- 55 (11) The Commission is authorized and required by RCW 81.04.510 to order Lugg to cease and desist immediately from these unpermitted common carrier activities.
- 56 (12) Since September 2019, on at least four occasions, Lugg has advertised, solicited, or offered to haul solid waste, for compensation, by motor vehicle, within the state of Washington, without first having obtained a certificate of public convenience and necessity from the Commission, thus violating RCW 81.77.040 at least four times. Lugg is subject to a penalty of up to \$1,000 per violation.
- 57 (13) The Commission should assess a penalty against Lugg of \$1,000 for each violation of RCW 81.77.040, for a total penalty of \$4,000.
- 58 (14) The Commission is authorized and required by RCW 81.04.510 to order Lugg to cease and desist immediately from engaging in unauthorized solid waste collection activities.

ORDER

- 59 (1) Lugg, Inc., is held in default. Should Lugg, Inc., fail to respond to this Order by filing a written motion within ten (10) days requesting that the order be vacated pursuant to WAC 480-07-450(2), the default in this proceeding will remain in place.
- 60 (2) Lugg, Inc., is classified as a household goods carrier within the state of Washington, a common carrier transporting property other than household goods in the state of Washington, and a solid waste company offering to pick up, transport, and dispose of solid waste in Washington.
- 61 (3) Lugg, Inc., is required immediately to cease and desist operations as a household goods carrier within the state of Washington, a common carrier transporting property other than household goods in the state of Washington, and a solid waste company offering to pick up, transport, and dispose of solid waste in Washington. Lugg, Inc., must refrain from all such operations unless and until it obtains required permits or certificates from the Commission.
- 62 (4) Lugg, Inc. is assessed a penalty of \$62,000, as discussed in the body of this Order. The penalty is due and payable within 10 days of the effective date of this Order.

- 63 (5) The Commission retains jurisdiction over the subject matter and the parties to this proceeding to effectuate the terms of this Order.

DATED at Lacey, Washington, and effective August 25, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael S. Howard
MICHAEL HOWARD
Administrative Law Judge

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order and you would like the Order to become final before the time limits expire, you may send a letter to the Commission waiving your right to petition for administrative review.

WAC 480-07-450(2) states that a party held in default has 10 days after service of a default order to file a written motion requesting the order be vacated and the proceeding reopened for further process. The party held in default must state the grounds relied upon, including its reasons for failing to appear.

WAC 480-07-825(2)(a) provides that any party to this proceeding has 20 days after the entry of this initial order to file a petition for administrative review (Petition). **A party held in default must file a written motion requesting the order be vacated pursuant to WAC 480-07-450(2) within 10 days after service in order to have the Commission consider a Petition from that party.** Section (2)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-825(2)(c) states that any party may file a response to a Petition within 10 days after service of the Petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence that is essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will give other parties in the proceeding an opportunity to respond to a motion to reopen the record, unless the Commission determines that it can rule on the motion without hearing from the other parties.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission does not exercise administrative review on its own motion.

Any Petition or response must be electronically filed through the Commission's web portal, as required by WAC 480-07-140(5).

APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET TV-200029

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