

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

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

CHERYL BALL d/b/a ACME  
MOVING LABOR

DOCKET TV-161206

ORDER 04

ORDER GRANTING MOTION TO AMEND  
COMPLAINT

**BACKGROUND**

- 1 On December 19, 2016, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; Notice of Hearing (Order 01) in Docket TV-161206. The Commission initiated this special proceeding to determine if Cheryl Ball d/b/a Acme Moving Labor (Acme Moving Labor or Company) has engaged, and continues to engage, in business as a common carrier for the transportation of household goods without the required Commission-issued permit. Order 01 required the Company to appear before the Commission at a group classification proceeding on January 25, 2017.
- 2 On January 17, 2017, Acme Moving Labor filed with the Commission a Request for Hearing and Request to Continue Appearance Before ALJ. Commission staff (Staff) filed a response supporting the Company's request. On January 18, 2017, the Commission entered Order 02, Order Granting Request for Hearing. On January 26, 2017, the Commission entered Order 03, Notice of Brief Adjudicative Proceeding; Order Setting Time for Oral Statements (Order 03). Order 03 set the brief adjudicative proceeding (BAP) for March 6, 2017, at 9:30 a.m.
- 3 On January 31, 2017, Staff filed with the Commission a Motion to Amend Complaint, Proposed Amended Complaint, and Declaration of Michelle Shepler (Motion). In its Motion, Staff requests the Commission amend Order 01 to include additional evidence that Acme Moving Labor performed an unauthorized household goods move in October 2016. Staff's Motion includes a declaration made by Ms. Shepler, a consumer complaint investigator, documenting the complaint she received from a consumer who hired Acme Moving Labor to conduct a household goods move. The declaration includes the Commission's complaint record and documents provided to the consumer by Acme Moving Labor.

4 Washington Administrative Code (WAC) 480-07-375(4) allows any party who opposes a  
written motion to file a written response within five business days after the motion is  
served. Accordingly, any response to Staff's Motion was due no later than the close of  
business on February 7, 2017.

5 Acme Moving Labor did not file a response to Staff's Motion.

### **DISCUSSION AND DECISION**

6 We grant Staff's Motion. WAC 480-07-395(5) provides that the Commission may allow  
amendments to pleadings on such terms as promote fair and just results. Although Staff  
may present additional evidence at the BAP without amending Order 01, we find that  
amending the Complaint promotes fair and just results by providing the Company with  
additional time to respond to the allegations. Moreover, it may assist the parties in  
reaching a settlement agreement prior to the hearing. We also agree with Staff that  
amending Order 01 to reflect the new hearing date of March 6, 2017, will help avoid any  
confusion about the date and time the parties are required to appear before the  
Commission. Accordingly, we amend Order 01 consistent with Staff's revisions in its  
Proposed Amended Complaint.

### **ORDER**

#### **THE COMMISSION ORDERS:**

- 7 (1) Commission Staff's Motion to Amend Complaint is GRANTED.
- 8 (2) Order 01 is amended to reflect the revisions in Staff's Proposed Amended  
Complaint.

DATED at Olympia, Washington, and effective February 9, 2017.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**RAYNE PEARSON**  
Administrative Law Judge

**NOTICE TO PARTIES: This is an Interlocutory Order of the Commission.  
Administrative review may be available through a petition for review, filed within  
10 days of the service of this Order pursuant to WAC 480-07-810.**