

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application of:

ASM LLC d/b/a ALL SERVICE MOVING

DOCKET TV-112194

MOTION TO ACCEPT COMPANY'S  
FILING AND VACATE ORDER 01

**I. RELIEF REQUESTED**

1 Staff of the Washington Utilities and Transportation Commission ("Staff") requests that the Commission accept the September 12, 2012, filing by ASM LLC d/b/a ALL SERVICE MOVING ("Applicant" or "Company") as in compliance with Order 02 and Commission rules, and vacate Order 01 in this proceeding.

**II. STATEMENT OF FACTS**

2 In its Order 01 in this proceeding, the Commission dismissed the Company's application for household goods permit authority because the name on the Company's required insurance certificates submitted with its application did not match the Company's legal business name as registered in the state of Washington.<sup>1</sup> After hearing on August 9, 2012, in its Order 02, the Commission suspended Order 01 and required as a condition of vacating Order 01 that the Applicant provide the Commission with corrected certificates of insurance with a name matching its legal business name, within 30 days. The suspension and condition was supported by Staff and Company in testimony.<sup>2</sup>

3 On September 6, 2012, the Applicant informally notified Staff that it had changed its registered business name with the Washington Secretary of State. On September 12, 2012, ASM filed documentation including a copy of a "Certificate of Existence/Authorization of

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<sup>1</sup> See Docket TV-112194, Order 01, and Order 02, paragraph 14. The Company's registered name in Washington was "ASM LLC DBA ALL SERVICE MOVING LLC." (emphasis added). The certificates of insurance the Company provided with its application is missing "LLC" at the end.

<sup>2</sup> See Order 02, paragraphs 7 and 8.

ASM LLC DBA ALL SERVICE MOVING,” issued by the Washington Secretary of State, dated September 10, 2012. The Company asserts its belief that this action has resulted in compliance with the application requirements at issue. Staff agrees.

### III. ARGUMENT

4           The Commission should accept the Company’s September 12, 2012, filing as sufficient because it (a) demonstrates that the conditions leading to the issuance of Order 01 and Order 02 have been remedied, and (b) the Company’s actions and its filing accomplish the same purposes as what Order 02 requires. It is, therefore, appropriate to vacate Order 01.

5           The deficiency with respect to the application at the time of Order 01, hearing, and Order 02 was issued was that the business name on the Company’s certificates of insurance provided by the Applicant did not match its legal name as registered with other agencies, namely the Washington Secretary of State. The Company has taken action to correct this, by changing its legal name with the Secretary of State. The Company’s filing shows that the names are no longer inconsistent, because “LLC” following “All Service Moving” has been removed from the Company’s legal name.<sup>3</sup> Because the names are now consistent, the deficiency in the application has been remedied.

6           The Company’s September 12, 2012, filing also demonstrates that it is unnecessary for the Company to file a “corrected certificate of insurance” as was required by Order 02. The name change has accomplished the same purpose. Whether the Commission receives corrected insurance forms in its existing name, as recommended by Staff based on the facts available at hearing, or the Company decides to change its name to conform to the name on insurance certificates already provided (and provides documentation of same), the end result

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<sup>3</sup> It is now “ASM LLC DBA ALL SERVICE MOVING.”

is the same: the application is no longer deficient in this respect. The Company chose the latter course, consulted with Staff, and made a timely filing with Commission.

7 For the above reasons, Staff further recommends that the Commission vacate Order 01, thereby allowing the matter to be returned to Staff for processing of the application.<sup>4</sup>

Dated this 19th day of September, 2012.

Respectfully submitted,

ROBERT M. MCKENNA  
Attorney General



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MICHAEL A. FASSIO  
Assistant Attorney General  
Counsel for Washington Utilities and  
Transportation Commission Staff

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<sup>4</sup>At hearing, Staff acknowledged that it would recommend a permit be issued if the Company corrected its insurance in the Company's legal name, which was, as Order 02 reflects, how it was registered with the Secretary of State. See Order 02, paragraph 7. Although this issue has been corrected (though by other means), and Staff would be prepared to issue the permit on that basis consistent with its position at hearing, the Company's new legal name may not match how it was listed in databases of other state agencies with which it has an account. The Company is responsible for and would be well advised to take whatever steps may be necessary to "sync up" its new registered legal business name (and the name associated with its permit) with any other state agencies, to avoid any potential issues with those agencies, if it has not yet done so.