

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of)	DOCKET TV-112194
)	
ASM, LLC,)	ORDER 03
d/b/a ALL SERVICE MOVING,)	
)	INITIAL ORDER REOPENING
for a permit to operate as a motor)	PROCEEDING, GRANTING
carrier of household goods)	MOTION FOR LEAVE TO
)	ACCEPT COMPANY’S FILING
)	AND VACATE ORDER 01, AND
)	AUTHORIZING ISSUANCE OF
)	CERTIFICATE
.....)	

1 **SYNOPSIS:** *This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Commission or allowed to become effective as described in the notice at the end of this Order. The Initial Order reopens the record in Docket TV-112194 so that the Commission can consider Staff’s Motion for Leave to Accept Company’s Filing and Vacate Order 01 (Staff’s Motion). This Order also: 1) grants Staff’s Motion, 2) accepts ASM LLC d/b/a All Service Moving’s compliance filing, 3) vacates Order 01 in this matter, and 4) authorizes the issuance of a household goods permit to ASM LLC d/b/a All Service Moving*

2 **NATURE OF PROCEEDING:** On December 20, 2011, ASM LLC d/b/a All Service Moving (ASM LLC or Applicant), filed with the Washington Utilities and Transportation Commission (Commission) an application requesting authority to operate as a household goods carrier in the state of Washington under RCW 81.80 and WAC 480-15.¹ Over a six month period, ASM LLC and the Commission’s

¹ While ASM, LLC originally filed its permit application under the name ASM, LLC d/b/a All Service Moving, the company subsequently registered with both the State of Washington Secretary of State (Secretary of State) and the Washington State Department of Revenue (Department of Revenue) under the name ASM, LLC d/b/a All Service Moving LLC. The key difference here between the two monikers is an additional “LLC” at the end of the latter.

regulatory staff (Staff or Commission Staff)² cooperated to cure the various deficiencies in the application.

- 3 On June 21, 2012, the Commission entered Order 01, Order Dismissing Application, stating that ASM LLC had filed its Uniform Motor Carrier Bodily Injury and Property Damage Liability certificate of insurance in the name of ASM, LLC, d/b/a All Service Moving.³ On July 6, 2012, ASM LLC filed a Request for Review of Delegated Order. The Commission convened a brief adjudicative proceeding in this matter on August 9, 2012, in Olympia, Washington, before Administrative Law Judge Marguerite E. Friedlander. On August 16, 2012, the Commission entered Order 02, Initial Order Conditionally Suspending Order Dismissing Application. Order 02 suspended Order 01 subject to the Applicant filing, within 30 days, its Uniform Motor Bodily Injury and Property Damage Liability certificates of insurance in the company's name as it appears on the State of Washington Secretary of State (Secretary of State) Certificate: ASM, LLC, d/b/a All Service Moving, LLC.
- 4 On September 6, 2012, the Commission issued a Notice of Finality of Order 02, closing the docket.
- 5 On September 12, 2012, ASM LLC filed a revised Secretary of State Certificate of Existence/Authorization in the same name it holds the requisite certificates of insurance, ASM LLC DBA ALL SERVICE MOVING.

² In formal proceedings, such as this, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an "*ex parte* wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including regulatory staff. *RCW 34.05.455*.

³ Applicant's certificate of insurance should have been written in the name the company had registered with the Secretary of State. Instead it was missing the "LLC" designation following "All Service Moving."

6 **Motion.** Commission Staff filed a Motion for Leave to Accept Company's Filing and Vacate Order 01 (Motion) on September 19, 2012. Staff argues that Applicant's recently revised Secretary of State Certificate accomplishes the same goal as Order 02, which is consistency between Applicant's name on its certificates of insurance and its Secretary of State Certificate.

7 **Discussion/Determination:** The Commission, on its own motion, reopens this docket to examine Staff's request. We find this Motion to be in the public interest. Staff is correct; while Order 02 provided one way for ASM LLC to come into compliance with the Commission's statutes and rule, there were actually two possibilities. Applicant could have modified either its certificates of insurance to reflect the name on its Secretary of State Certificate, or vice versa. ASM LLC chose the latter option, but the result remains the same: consistency in the Applicant's name on both required documents.

8 The Commission finds that Staff's Motion should be granted, and ASM LLC's compliance filing modifying its name with the Secretary of State should be accepted. Further, we find that ASM LLC has come into compliance with our statutes and rules for obtaining a permit, that Order 01 should be vacated, and that a household goods permit should be issued to Applicant in the name on its certificates of insurance and the Secretary of State Certificate.

ORDER

THE COMMISSION ORDERS That:

- 9 (1) The record in Docket TV-112194 is reopened.
- 10 (2) The Motion for Leave to Accept Company's Filing and Vacate Order 01, filed by the Commission's regulatory staff, is granted.
- 11 (3) ASM LLC d/b/a All Service Moving's compliance filing is accepted.
- 12 (4) Order 01 in this matter is vacated.

- 13 (5) A household goods permit shall be issued to ASM LLC d/b/a All Service Moving.

Dated at Olympia, Washington, and effective September 21, 2012.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
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 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

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 fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and **five (5)** copies of any Petition or Answer must be filed by mail delivery to:

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Washington Utilities and Transportation Commission
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