

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

SERVICE DATE

DEC 31 2012

WASHINGTON UTILITIES AND) DOCKET TV-121722
TRANSPORTATION COMMISSION,)
)
Complainant,) COMPLAINT FOR
) CANCELLATION OF PERMIT
v.) FOR FAILURE TO PAY
) REGULATORY FEES AND
3RD GENERATION MOVERS AND) FAILURE TO FILE ANNUAL
HAULING, A+ ALWAYS MOVING, INC.,) REPORT; and
A A STAR TRANSFER CO. INC.,)
ALWAYS ABLE MOVING SERVICE,) NOTICE OF HEARING
LLC, ARAYS MOVING SERVICE LLC,) (Set for February 4, 2013, at
GRAYPORT TRANSFER & STORAGE) 1:30 p.m.)
CO., INC., THUNDER MOVERS LLC)
)
Respondents.)
.....)

1 **Synopsis:** *The Commission seeks cancellation of the permits of household goods carriers that have failed to pay regulatory fees as required by RCW 81.80.321 and failed to file an annual report as required by RCW 81.04.080.*

2 **Proceedings:** Household goods carriers holding a permit from the Washington Utilities and Transportation Commission (Commission) must file annual reports setting forth company operations during the preceding year. In addition, these household goods carriers must pay annual regulatory fees to the Commission. Annual reports and regulatory fees are due on or before May 1.

3 Each year, in advance of this deadline, the Commission distributes annual report forms to all household goods carrier permit holders. Incorporated into the annual report form is a regulatory fee calculation schedule, which provides companies with step-by-step assistance in calculating their regulatory fees.

4 On February 29, 2012, the Commission mailed an annual report form to the address
on record with the Commission for each household goods carrier permit holder,
including 3rd Generation Movers and Hauling, A+ Always Moving, Inc., A A Star
Transfer Co. Inc., Always Able Moving Service, LLC, Arays Moving Service LLC,
Grayport Transfer & Storage Co., Inc., and Thunder Movers LLC (collectively “the
Companies”). A search of Commission records indicates that each of the Companies
failed to file an annual report and remit a regulatory fee. Accordingly, Commission
Staff (Staff)¹ asks the Commission to issue this Complaint seeking cancellation of
each company’s permit for violation of the reporting and regulatory fee requirements
of RCW 81.80.321, RCW 81.04.080, and WAC 480-15-480.

I. COMPLAINT

5 The Commission on its own motion, and through its Staff, alleges as follows:

6 Household goods carriers are required to submit annual reports and remit regulatory
fees to the Commission. Title 81 RCW.

7 Household goods carriers are common carriers. RCW 81.04.010. Every common
carrier is a public service company. *Id.*

8 Public service companies must file an annual report with the Commission. RCW
81.04.080. Each common carrier must pay an annual regulatory fee of no more than
one quarter of one percent of its gross income from intrastate operations for the
previous calendar year. RCW 81.80.321. Thus, as common carriers transporting
goods within the state of Washington, household goods carriers must pay regulatory
fees and file annual reports.

9 Under Title 81 RCW, the Commission is expressly empowered to issue rules and
regulations governing household goods carriers. RCW 81.04.160.

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.

- 10 The Commission distributes by mail annual report forms and instructions to each household goods permit holder at its address on record with the Commission. WAC 480-15-480. If a carrier does not receive an annual report form, it is the carrier's responsibility to contact the Commission and request the form. *Id.*
- 11 Annual reports and regulatory fees are due no later than May 1 of the year following the year being reported. WAC 480-15-480.
- 12 The Commission may cancel a household goods carrier permit for good cause, including failure to submit an annual report or failure to pay regulatory fees. WAC 480-15-450.
- 13 Staff conducted its yearly compliance review of annual report and regulatory fee submissions for household goods carriers holding permits from the Commission. This review generated a list of companies that had failed to pay regulatory fees for 2012 or failed to submit 2011 annual reports. Those companies that still have not paid 2012 regulatory fees or filed 2011 annual reports are named as respondents in this complaint.
- 14 3rd Generation Movers and Hauling (3rd Generation) is a public service company as defined in RCW 81.04.010. 3rd Generation holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that 3rd Generation failed to pay the regulatory fees and file the annual report due on May 1, 2012.
- 15 A+ Always Moving, Inc. (A+ Always Moving) is a public service company as defined in RCW 81.04.010. A+ Always Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that A+ Always Moving failed to pay the regulatory fees and file the annual report due on May 1, 2012.
- 16 A A Star Transfer Co. Inc. (A A Star) is a public service company as defined in RCW 81.04.010. A A Star holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that A A Star failed to pay the regulatory fees and file the annual report due on May 1, 2012.

- 17 Always Able Moving Service, LLC (Always Able) is a public service company as defined in RCW 81.04.010. Always Able holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Always Able failed to pay the regulatory fees and file the annual report due on May 1, 2012.
- 18 Arays Moving Service LLC (Arays) is a public service company as defined in RCW 81.04.010. Arays holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Arays failed to pay the regulatory fees and file the annual report due on May 1, 2012.
- 19 Grayport Transfer & Storage Co., Inc. (Grayport) is a public service company as defined in RCW 81.04.010. Grayport holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Grayport failed to pay the regulatory fees and file the annual report due on May 1, 2012.
- 20 Thunder Movers LLC (Thunder Movers) is a public service company as defined in RCW 81.04.010. Thunder Movers holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Thunder Movers failed to pay the regulatory fees and file the annual report due on May 1, 2012.
- 21 In sum, the foregoing seven Companies have failed to remit 2012 regulatory fees and file 2011 annual reports.

II. REQUEST FOR RELIEF

- 22 Staff asks the Commission to find that the Companies failed to comply with RCW 81.80.321, RCW 81.04.080, and with WAC 480-15-480 by failing to pay 2012 regulatory fees and file 2011 annual reports.
- 23 Staff requests that the Commission, pursuant to its authority in WAC 480-15-450, cancel the permits of the respondent household goods carriers.

III. PROBABLE CAUSE

24 Based on a review of the Declaration of Mathew Perkinson regarding his investigation of Commission records pertaining to the submission of annual reports and regulatory fees by household goods carriers, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

IV. NOTICE OF HEARING

25 **NOTICE IS HEREBY GIVEN that a hearing in this matter will be held on February 4, 2013, at 1:30 p.m., in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the hearing in person, you may attend via the Commission's teleconference bridge line at **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

26 The Commission will hear this matter under the Administrative Procedure Act (APA) at RCW 34.05, including but not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.434, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452, and pursuant to the Commission's procedural rules in WAC 480-07, including but not limited to WAC 480-07-145, WAC 480-07-150, WAC 480-07-305, WAC 480-07-440, WAC 480-07-450, WAC 480-07-470, WAC 480-07-490, and WAC 480-07-495. The Commission has jurisdiction over this matter under RCW 80.01, RCW 81.04, and RCW 81.80, including but not limited to RCW 80.01.040, RCW 81.04.080, RCW 81.04.110, RCW 81.80.130, RCW 81.80.280, RCW 81.80.290, RCW 81.80.321, and RCW 81.80.330, and under WAC 480-15, including but not limited to WAC 480-15-145, WAC 480-15-450, and WAC 480-15-480.

27 **THE COMMISSION GIVES FURTHER NOTICE that any party who fails to attend or participate in the hearing set by this notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440 and WAC 480-07-450.**

28 If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

29 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
PO Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Jennifer Cameron-Rulkowski
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
PO Box 40128
Olympia, WA 98504-0128
(360) 664-1186

Respondent: 3rd Generation Movers and Hauling
2103 S. Kent-Des Moines Rd.
Seattle, WA 98198

Respondent: A+ Always Moving, Inc.
PO Box 86849
Portland, OR 97286

Respondent: A A Star Transfer Co. Inc.
2210 Commerce
Aberdeen, WA 98520

Respondent: Always Able Moving Service, LLC
102 5th Ave. 1-103
Milton, WA 98354

Respondent: Arays Moving Service LLC
3410 14th Ave. W #2
Seattle, WA 98119

Respondent: Grayport Transfer & Storage Co., Inc.
2208 Commerce St.
Aberdeen, WA 98520

Respondent: Thunder Movers LLC
9330 NE Halsey St.
Portland, OR 97220

- 30 ALJ is appointed as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the hearing.
- 31 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective December 31, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



GREGORY J. KOPTA
Director, Administrative Law Division

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.:(____) _____