

SERVICE DATE
JUL 16 1997

DOCKET TV-971051

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of:)	Docket No. TV-971051
)	
OLYMPIC MOVING AND)	SETTLEMENT
STORAGE, INC., d/b/a)	AGREEMENT AND
OLYMPIC MOVERS,)	ORDER APPROVING
(Formerly CASCADE MOVERS OF)	SETTLEMENT
WASHINGTON, INC))	
)	

SETTLEMENT AGREEMENT

BACKGROUND

On May 17, 1996, a Commission Decision and Order Affirming and Adopting Initial Order Granting Complaint, Ordering Respondent, Cascade Trucking, Inc., d/b/a Cascade Movers (Cascade), was issued. The Washington Utilities and Transportation Commission (Commission) ordered Cascade to cease and desist from use of the name "Cascade" in conjunction with the name "Movers", "Moving", or "Transfer".

Cascade continued to use the name "Cascade Movers" in violation of this order through February 24, 1997. Specifically, as the result of a complaint filed with the Commission, the staff determined that the company was using the name "Cascade Movers" to answer the telephone at its business premises during the period January 31, 1997 through February 24, 1997 subjecting the company to a potential penalty of up to \$1,000 per violation, with every day's continuance being deemed a separate and distinct offense, pursuant to RCW 81.04.380.

In addition, investigation 96-342 revealed that the company moved the household goods of Marguerite O'Neill on or about August 26, 1996, without first obtaining a permit authorizing the company to operate as a local cartage hauler in violation of RCW 81.80.100. Such conduct subjects the company to a penalty not to exceed \$1,000 pursuant to RCW 81.04.380.

The Commission staff instituted a show cause proceeding on the basis of its investigation and the violations noted above. In a discussion between the Commission staff and Cascade, the parties have agreed to resolve this matter without hearing, in the following manner:

**SETTLEMENT AGREEMENT
AND ORDER**

AGREEMENT

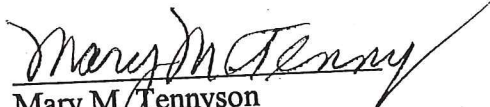
The company agrees to substantially comply with Commission laws, rules and orders on a going forward basis. For the violations described above, the Commission imposes a monetary penalty in the amount of \$10,500, with \$10,000 of the penalty suspended on the condition that, for a period of one year, the company will substantially comply with Commission statutes, rules and orders. The company agrees to pay the \$ 500 in unsuspended monetary penalties within 15 days of signing this agreement. Should the company fail to substantially comply with this agreement, and does not immediately cure that failure, the company agrees to pay to the Commission suspended penalties in the amount of \$10,000 without the opportunity for further mitigation or a hearing.

Nothing in this agreement shall preclude the Commission from filing additional complaints alleging new violations of its statutes, rules or orders or investigating complaints filed by other parties or carrying out the duties of the Commission.

Dated at Olympia, Washington this ^{14th} day of July, 1997.



Kris O'Bannon
Olympic Moving and
Storage, Inc.
d/b/a Olympic Movers,
(Formerly Cascade Movers of
Washington, Inc.)



Mary M. Tennyson
Sr. Assistant Attorney General
Representing Commission Staff

ORDER

Having reviewed the complaint and the settlement agreement entered into between Kris O'Bannon, representing Olympic Moving and Storage, Inc, d/b/a Olympic Movers (formerly Cascade Movers of Washington, Inc.), and Commission staff, the Commission approves the settlement agreement and **ORDERS AS FOLLOWS:**

1. For the violations described in paragraphs II A and B of the complaint, the Commission imposes a monetary penalty in the amount of ten thousand five hundred dollars (\$10,500). Ten thousand dollars (\$10,000) of the penalty shall be suspended by the Commission on the condition that, for a period of one year, the company substantially complies with Commission statutes, rules and orders.
2. The company shall pay the \$ 500 in unsuspended monetary penalties within 15 days of the date of this order.

**SETTLEMENT AGREEMENT
AND ORDER**

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3. Should the company fail to substantially comply with this agreement, and does not immediately cure that failure, the company shall pay to the Commission the ten thousand dollars in suspended penalties without the opportunity for further mitigation or a hearing.

4. Nothing in this agreement and order shall preclude the Commission from filing additional complaints alleging new violations of its statutes, rule or orders or investigating complaints filed by other parties or carrying out the duties of the Commission.

Dated and signed at Olympia, Washington, and effective this 15th day of July, 1997.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



SHARON L. NELSON, Chairman



RICHARD HEMSTAD, Commissioner



WILLIAM R. GILLIS, Commissioner

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of:)
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OLYMPIC MOVING AND)
STORAGE, INC., d/b/a)
OLYMPIC MOVERS)
(Formerly CASCADE MOVERS OF)
WASHINGTON, INC.))
Respondent)

Docket No. TV-971051

COMPLAINT AND ORDER TO SHOW
CAUSE WHY MONETARY
PENALTIES SHOULD NOT BE
ASSESSED

The Washington Utilities and Transportation Commission, Complainant, alleges:

1. Complainant is an agency of the State of Washington created and existing under and by virtue of the laws of the State of Washington and vested by said laws with the supervision and regulation of motor freight common carriers operating under the provision of chapter 81.80 RCW.

2. Respondent, Olympic Moving and Storage, Inc., d/b/a Olympic Movers (formerly Cascade Movers of Washington, Inc.) is now and was at all times herein mentioned the holder of Common Carrier Permit No. CC-1809. By virtue of said permit, respondent is now and was at all times herein mentioned authorized to engage in the transportation of commodities for compensation by motor vehicle over the highways of the State of Washington as a common carrier; and at all times referred to herein was and is subject to the provision of Title 81 RCW and chapter 480-12 WAC.

3. From preliminary investigation made by the Commission, it appears, and the Commission therefore alleges that:

- a. Respondent has used the name "Cascade Movers" to answer the telephone at its business premises, during the period January 31, 1997 through February 24, 1997, in violation of the final order of the Commission issued May 17, 1996, in Docket No. TV-941651, which ordered respondent to cease and desist from using the name "Cascade" in conjunction with the name "Movers", "Moving", "Transfer", subjecting the company to a penalty not to exceed \$1,000 per violation, with every day's continuance being deemed a separate and distinct offense, pursuant to RCW 81.04.380.
- b. Respondent moved the household goods of Marguerite O'Neill on or about August 26, 1996, without first obtaining a permit authorizing the company to operate as a local cartage hauler in violation of RCW 81.80.100. Such conduct subjects Cascade Movers of Washington, Inc., to a penalty not to exceed \$1000 per violation pursuant to RCW 81.04.380.

4. In accordance with the foregoing, it is alleged that respondent has violated chapters 81.80 and 81.04 RCW, RCW 81.80.100, and chapter 480-12 WAC.

ORDER AND NOTICE OF HEARING

IT IS HEREBY ORDERED That Cascade Movers of Washington, Inc., shall, unless by notice of hearing issued by the Secretary of the Commission a different time and place be specified, appear at a hearing before the Washington Utilities and Transportation Commission, at the hour of 9:30 a.m., Monday, July 21, 1997, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington, then and there to answer the complaint herein and show cause, if any, why it should not be required to pay penalties of up to \$26,000 for the conduct alleged above.

If a limited English-speaking or hearing-impaired party needs an interpreter, a form is attached to this notice to be filled out and returned as indicated, so that a qualified interpreter may be appointed at no cost to the party or witness.

NOTICE IS FURTHER GIVEN 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. THE PARTIES ARE FURTHER ADVISED THAT FAILURE TO APPEAR AT THE HEARING SET BY THIS ORDER MAY RESULT IN SANCTIONS PURSUANT TO WAC 480-09-700.

The names and mailing addresses of all parties and their known representatives

are shown as follows:

Cascade Movers of Washington, Inc.
Attention: Kris O'Bannon
2943 - 29th Avenue S.W.
Olympia, WA 98512

Representative: Unknown

Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Representative:

Mary M. Tennyson
Senior Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 753-1964

Inquiries should be addressed to:

The Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 753-6423

DATED at Olympia, Washington, and effective this 15th day of July, 1997.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



SHARON L. NELSON, Chairman



RICHARD HEMSTAD, Commissioner



WILLIAM R. GILLIS, Commissioner