

**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

PARTIES' JOINT MOTION TO
CONSOLIDATE PROCEEDINGS

I. RELIEF REQUESTED

1 The parties in this case, Cheryl Ball d/b/a Acme Moving Labor (“Ms. Ball,” “Acme Moving Labor,” or the “Company”) and staff of the Washington Utilities and Transportation Commission (“Staff”) (hereinafter collectively referred to as “Parties” and individually as “Party”), jointly request that the Commission exercise its discretion to consolidate this Docket TV-161206 with Docket TV-170103 pursuant to WAC 480-07-320 because the facts are related and it will enable the Parties to reach a settlement providing for the full and comprehensive resolution of all issues in both dockets.

2 If the Settlement Agreement or its supporting documents filed concurrent with this Motion are rejected by the Commission, or if the Commission requests a modification to the Settlement Agreement that is unacceptable to either of the Parties, the Parties jointly request that the Commission exercise its discretion to preserve the two dockets separated and unconsolidated so as to allow for litigation to proceed on a schedule appropriate with the relevant issues raised in each separate docket.

II. STATEMENT OF FACTS

3 Ms. Ball is the owner of Acme Moving Labor and is ultimately responsible for the operations of the Company. Mr. Kedric Jackson is the Company’s Operations Manager.

4 On December 19, 2016, the Commission instituted a special proceeding to classify
the Company and issued a complaint and subpoena to the Company, alleging that the
Company had been engaging in business as a household goods moving company without the
required Commission-issued permit. The Commission allowed Staff to amend that
complaint on February 9, 2017, to include another alleged occurrence of the Company
engaging in the business of a household goods moving company.

5 On January 17, 2017, the Company requested a hearing before an administrative law
judge. On January 26, 2017, the Commission granted that request and set a brief
adjudicative proceeding for March 6, 2017.

6 On February 17, 2017, the Company submitted an application to the Commission
requesting household goods moving authority. That application was assigned to Docket
TV-170103.

7 The Parties engaged in settlement discussions in late-February. On February 28,
2017, Staff notified the Commission that the Parties had reached a settlement in principle,
requested suspension of the procedural schedule including the hearing set for March 6, 2017,
and requested additional time to memorialize the Parties' agreement by March 14, 2017. The
Commission granted the Parties' requests and instructed the Parties to file a settlement
agreement and supporting documentation, or a status report on their progress by March 14,
2017.

III. STATEMENT OF ISSUES

8 The issue in this matter is whether the Commission should exercise its discretion to
consolidate Dockets TV-161206 and TV-170103 because it would afford the Parties the

opportunity to comprehensively resolve the issues in both dockets through a single Settlement.

9 In the event that the Commission denies this motion, or rejects or modifies any portion of this Settlement in such a way as to trigger either Party's right to withdraw from the Settlement by written notice to the other Party and the Commission, no Party will be bound or prejudiced by the terms of the Settlement or by this Motion.

IV. ARGUMENT

A. The Facts or Principles of Law are Related

10 Under WAC 480-07-320, the Commission may consolidate two or more proceedings in which the facts or principles of law are related. The Parties jointly request consolidation of Docket TV-160206 with Docket TV-170103 because the proceedings present common issues of fact and law, the consolidation of which the Parties believe will aid the prompt and efficient resolution of contested issues in both dockets. Specifically, the proceedings both concern operations of the Company. TV-160206 concerns whether the Company has operated prior to receiving authority from the Commission, and TV-170103 concerns the Company's application that requests authorization to operate. The Parties strongly advocate for the consolidation of these dockets because the Parties acknowledge that the issues are intertwined, despite the separate proceedings having begun at separate times.

11 Consolidation would enable the Parties to efficiently resolve issues in both dockets in a single Settlement. This would be beneficial to the Parties and to the Commission by making the most efficient use of resources.

B. The Parties Agree

12 While the agreement of the Parties is not a factor enumerated by WAC 480-07-320, the Parties request that the Commission give the Parties' joint recommendation and

agreement that the facts and principles of law in the two dockets are related its due weight under the Commission's evaluation.

V. CONCLUSION

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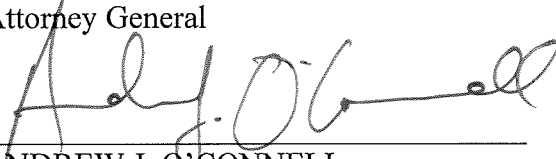
In conclusion, the Parties jointly request that the Commission consolidate the proceedings in Docket TV-160206 with those in Docket TV-170103 for the sole purpose of affording the Parties to comprehensively and efficiently resolve all issues presented in the dockets.

Respectfully submitted this 14th day of March 2017.

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

ACME MOVING LABOR

ROBERT W. FERGUSON
Attorney General



ANDREW J. O'CONNELL
Assistant Attorney General
Counsel for the Utilities and
Transportation Commission Staff

see attached

ELIZABETH DE BAGARA STEEN
Attorney for Cheryl Ball d/b/a Acme
Moving Labor

Dated: March 14, 2017

Dated: _____, 2017

agreement that the facts and principles of law in the two dockets are related its due weight under the Commission's evaluation.

V. CONCLUSION

13 In conclusion, the Parties jointly request that the Commission consolidate the proceedings in Docket TV-160206 with those in Docket TV-170103 for the sole purpose of affording the Parties to comprehensively and efficiently resolve all issues presented in the dockets.

Respectfully submitted this _____ day of _____, 2017.

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

ACME MOVING LABOR

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Attorney for Cheryl Ball d/b/a Acme
Moving Labor

Dated: _____, 2017

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