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April 13, 2018

Dennis J. Moss, Chief Judge
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, Washington 98504-7250

RE: *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against Dolly, Inc.*
Docket TV-171212

Dear Chief Judge Moss:

This docket concerns a complaint filed against Dolly, Inc. alleging that Dolly, Inc. (Dolly) engaged in jurisdictional conduct without the necessary permits.

After a hearing, the Commission determined that Dolly had operated in violation of the public service laws and entered Order 02, which classified the company as a household goods carrier, a common carrier of general commodities, and a solid waste collection company. Accordingly, Order 02 also imposed penalties, suspended a portion of those penalties subject to Dolly's compliance with Order 02, and ordered Dolly to cease and desist from unpermitted operations.

Concerns about a provision of the Commission's cease and desist order prompted Commission Staff (Staff) to petition for administrative review on April 2, 2018. On April 9, 2018, the Commission issued a Notice of Correction of Initial Order announcing that it would treat Staff's petition as a motion for correction of an obvious error under WAC 480-07-875(2). That same day the Commission granted Staff's motion and issued Corrected Order 02, which amended the relevant cease and desist provision to address Staff's concerns.

On April 12, 2018, Dolly filed what it styled as its answer to Staff's petition. In it, Dolly stated its support for Staff's petition. Dolly, however, also requested that the Commission either rescind Order 02, stay its effectiveness, or modify the provisions concerning the penalty that Dolly must pay for its violations of the public service laws. In short, Dolly's answer went well beyond what is permissible as a response to Staff's petition for review.

To the extent that Dolly's answer supported Staff's petition, it was moot. The Commission had already granted Staff the relief it sought by correcting Order 02 under WAC 480-07-875(2). The

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Commission could grant Dolly no further relief in this regard and the Commission should take no further action as to these portions of Dolly's answer.

To the extent that Dolly sought rescission, stay, or further modification of Order 02, its requests for relief far exceeded that sought by Staff. Dolly has in essence filed its own petition for review. This is troublesome because Dolly in its answer announced its intention to file a separate petition for review to address both Initial Order 02 and Corrected Order 02.¹ Commission rules expressly forbid Dolly from doing that.² Given this state of affairs, Staff asks the Commission to provide the parties notice of one of two things: either that (1) the Commission will not accept a second petition for administrative review from Dolly, in which case Staff will respond to the claims for relief not sought by Staff made by Dolly in accordance with WAC 480-07-825(5)(c), or (2) the Commission will accept a second petition from Dolly, but that it will consolidate the claims made in Dolly's answer with that petition, allowing Staff to respond in a single answer, and allowing the Commission to issue a single order disposing of all issues. In the latter case, Staff will answer all claims in accordance with WAC 480-07-825(4).

Sincerely,

/s/ *Jeff Roberson*, WSBA No. 45550
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JR/emd
cc: Dolly, Inc.

¹ *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against Dolly, Inc.*, Docket TV-171212, Dolly's Answer to Commission Staff's Petition for Administrative Review, at 5 ¶ 10 (April 12, 2018).

² WAC 480-07-825(1) ("The Commission will accept only one petition for administrative review from any party."), (4)(c) (allowing a party to raise new claims in an answer if he, she, or it did not file a petition for review).