

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TV-150899

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. **Payment of penalty.** I admit that the violations occurred. I have:

Enclosed \$ _____ in payment of the penalty

Submitted my payment of \$ _____ online at www.utc.wa.gov. My confirmation number is _____.

2. **Request for a hearing.** I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

please see the included letter.

3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: June 2 / 2015 [month/day/year], at Seattle, WA [city, state]

Crate Away
Name of Respondent (company) – please print

[Signature]
Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

Posted

CrateAway
4832 40th AVE SW
Seattle, WA 98116

Tuesday, June 2, 15

Judge Gregory J. Kopta
Administrative Law Judge
Washington Utilities and Transportation Commission
Post Office Box 47250
Olympia, Washington 98504-7250

RECEIVED
OFFICE OF THE CLERK
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
2015 JUN -4 PM 2:11

Dear Judge Kopta,

Based on the information we see in the WAC 480-15-181 part 3 (listed below), our activities do not require a household goods permit and I ask that you please allow for a hearing for us to explain further if the following explanation is not sufficient.

CrateAway is a storage service company. We store our customers' boxes for a fee. We charge a pickup fee and a delivery fee and a storage fee for every box stored with us.

Customers

1. Pack their own items in boxes
2. Close those boxes
3. Attach a barcode label to the boxes
4. Scan and enter the barcodes into our system through our app
5. Request a pickup from the app

We then come and pick up those boxes and take them to our storage location. When we show up, we operate much like FedEx: we come, scan the box that is ready for pickup, have the customer sign a pickup receipt, and load the box into a van. The boxes are 50 lbs or less. Months later, the customer requests some or all of their boxes back. We deliver the requested boxes to their door.

We do not pack items for our customers. We do not accept boxes that are not sealed and barcoded at the time of pickup. From our perspective, the barcode is all we care about. We provide no additional services on top of the storage and pickup and delivery associate with that storage.

Prior to talking with the UTC regarding the limitations of a household goods carrier permit, our website listed bikes, strollers, and other items that do not fit in a box as potential items we could accommodate. After we talked with the UTC, we decided to explicitly accept only sealed boxes and containers that our customers have packed. This was in line with our customers' need since no one stored bikes or strollers or such unboxed items with us.

Furthermore, as of middle of May we have decided to change our business to provide only software service solutions and consulting and divest of any physical operational activity due to lack of enough interest for the storage by the box business in the market for us to operate successfully. These changes are still new and have not been reflected in our website but we have actively rejected potential new customer.

So while we do not believe we were in violation of the code due to reading of 480-15-181 part 3, we will also not be doing further business with the exception of returning the items currently stored with us back to the existing customers.

We hope you find this information sufficient and remove the fine we were issued. Please allow us a hearing to explain these in person should that be necessary.

Thank you,



Ben Dehghan
Founder, CrateAway

480-15-181

Operations that do not require a household goods permit.

A company's operations do not require a permit from the commission when the company:

- (1) Moves commercial or office goods, except when part of a household goods moves.
- (2) Transports goods that are packed and loaded on the vehicle and unloaded by the customer.
- (3) Transports goods which are loaded in customer packed and sealed self-storage type containers in conjunction with storage when no accessorial services are provided by the company.**
- (4) Uses a truck the customer owns or rents, even if the company does the packing and loading.
- (5) Packs and loads the goods but does not transport the belongings.
- (6) Moves goods interstate.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULES**

SERVICE DATE

MAY 27 2015

PENALTY ASSESSMENT: TV-150899

PENALTY AMOUNT: \$1,000

**CRATEAWAY, LLC
4832 40TH AVE SW
SEATTLE, WA 98116**

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-15-480, which requires household goods carriers companies to file your annual report and pay regulatory fees each year by May 1. You did not file an annual report or pay regulatory fees by May 1, 2015.

Revised Code of Washington (RCW) 81.04.080 authorizes the Commission to assess a penalty of \$100 for each violation of a Commission rule. In the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-15-480 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report or pay its regulatory fees after that date.

As a result, the Commission has assessed penalties against you in the amount of \$1,000 on the following basis:

On February 27, 2015, the Commission mailed the 2014 annual report forms and the 2015 regulatory fee packets to all household goods carriers companies registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports and pay regulatory fees by May 1, 2015. The instructions page also stated that failure to file the annual report by May 1 would result in penalties. The deadline for requesting an extension to file your annual report was April 15. You did not request an extension.

As of May 15, 2015, Crateaway, LLC has not filed its 2014 annual report or paid its 2015 regulatory fee. May 15 is 10 business days from May 1, resulting in a total penalty of \$1,000.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. The Commission will grant that request only if material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request.

If there is a reason for the violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

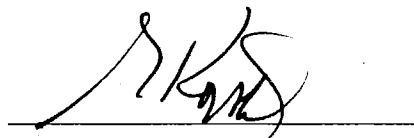
You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection, which may file suit in state court to collect the penalty. The Commission may also initiate proceedings under WAC 480-15-450 to cancel your permit to operate as a household goods carrier in Washington.

DATED at Olympia, Washington, and effective May 27, 2015.



GREGORY J. KOPTA
Administrative Law Judge