

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TV-081675

PENALTY AMOUNT: \$5,000

Neighbors Moving and Storage of Seattle, LLC
8629 South Street, Building O
Kent, Washington 98031

The Washington Utilities and Transportation Commission (Commission) believes that you have committed five violations of Washington Administrative Code 480-15-610 which states carriers may not advertise services or rates and charges that conflict with those in the tariff. Revised Code of Washington (RCW) 81.04.380 allows penalties of \$1,000 for every such violation. Each and every such violation shall be a separate and distinct offense and, in the case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount \$5,000, as follows:

In March 2007, the Commission received a complaint that Neighbors Moving and Storage of Seattle, LLC, was improperly advertising free or reduced prices for services that were under tariff regulation. The company was found to be advertising "Free Boxes with Local Moves" among other issues. After receiving technical assistance regarding proper advertisement of services offered, Neighbors Moving and Storage of Seattle, LLC, entered into a Compliance Plan with the Commission and its advertising was changed to "Free use of wardrobe boxes with local moves." The company was warned that any further findings of Neighbors Moving and Storage of Seattle, LLC, using improper advertisements may result in staff recommending to the Commission some form of penalty or other enforcement action.

In May 2008, the Commission received a complaint indicating that Neighbors Moving and Storage of Seattle, LLC, was advertising using language in violation of Commission rules, and for which it had previously received technical assistance. Commission staff contacted the company and it claimed the advertisements were an error made by the advertiser, not the company, and were an oversight not in its control.

However, the Neighbors Moving and Storage of Seattle, LLC, Web site includes a "Web Special" that provides consumers a coupon that states "One Month Storage Free." This is in violation of the Commission Tariff and with the agreement that Neighbors Moving and Storage of Seattle, LLC, made previously that it would change its advertising language to state that free storage could only be offered for permanent storage situations, e.g. "Free One Month Storage with 3 months of Storage." Commission staff checked Neighbors Moving and Storage of Seattle, LLC's Web site on June 3, July 7, July 10, July 15 and July 16, 2008, and the improper advertising language was found on each date, for five violations of WAC 480-15-610.

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

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. If there is a reason for the violation that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the Commission will review the evidence supporting your request in an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.

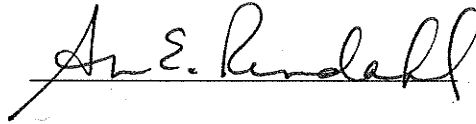
You must act within 15 days after receiving this notice to do one of the following:

- 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. The Commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective September 23, 2008.

A handwritten signature in cursive script, reading "Ann E. Rendahl". The signature is written in black ink and is positioned above the printed name.

ANN E. RENDAHL
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TV-081675

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. **If you have questions regarding this penalty, please contact Sheri Hoyt, Compliance Specialist, by phone at (360) 664-1149 or by e-mail at shoyt@utc.wa.gov.**

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 violation occurred and enclose \$5,000 in payment of the penalty.
2. **Request for a hearing.** I believe that the alleged violation did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:
3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below.
- a) I ask for a hearing for a decision by an administrative law judge
- OR b) I waive a hearing and ask for an administrative decision on the information I present here:

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: _____ [month/day/year], at _____ [city, state]

Name of Respondent (company) – please print

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.”