



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

1400 S Evergreen Park Drive SW • PO Box 40128 • Olympia WA 98504-0128 • (360) 664-1183

February 16, 2006

Carole J. Washburn, Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

Re: *Metropolitan Movers, Inc. – Penalty Assessment*
Docket No. TV-052020

Dear Ms. Washburn:

Enclosed for filing in the above-referenced docket are the original and eight copies of Commission Staff's Response to Metropolitan Movers, Inc.'s Application for Mitigation, and Certificate of Service.

Sincerely,

JENNIFER CAMERON-RULKOWSKI
Assistant Attorney General

JCR:emd
Enclosure
cc: Parties



BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of PENALTY ASSESSMENT
AGAINST Metropolitan Movers, Inc., in the
amount of \$100.00

DOCKET NO. TV-052020

DECLARATION OF
SHERI HOYT

SHERI HOYT, under penalty of perjury under the laws of the state of Washington, declares as follows:

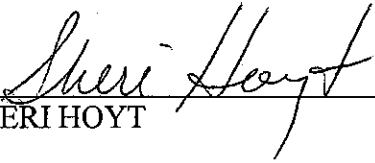
1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Compliance Specialist in the Business Practices Investigations Section. I have been employed at the Commission for over 13 years, holding various positions. As a Compliance Specialist, my responsibilities include conducting investigations regarding the business practices of regulated utility or transportation companies. As part of those duties, I investigate household goods companies that may be operating in violation of Commission statute, rule, or tariff.
3. On February 3, 2006, Metropolitan Movers, Inc. (Metropolitan) filed with the Commission an Application for Mitigation of Penalties (Mitigation Request) in Docket No. TV-052020. I have read the Mitigation Request.
4. This Mitigation Request arises from a Notice of Penalties Incurred and Due for Violations of Laws, Rules and Regulations issued by the Commission on January 30, 2006, in Docket No. TV-052020. In that Notice, the Commission issued a penalty of \$100.00 for a violation of WAC 480-15-480.
5. Before recommending the Commission issue penalties, as part of my job, I conducted an investigation of the Commission's records. My investigation resulted in an investigation report titled, "Staff Investigation - Annual Report/Regulatory Fees." A true and accurate copy of that audit report is attached to this declaration as Attachment A.
6. I identified the violation in this case from records maintained by the Commission.

Specific Issue Addressed by Metropolitan in its Mitigation Request

Submitted Completed Report late on June 30, 2005

7. In its Mitigation Request, Metropolitan requests that the penalty be withdrawn because it claims it mailed the completed report and the proper regulatory fees on June 30, 2005.
8. Metropolitan stated it received the 2004 Annual Report forms timely and admits it did not complete and return the forms to the Commission by the due date of May 1, 2005. Metropolitan further stated it received a delinquency letter sent by the Commission in June, prompting it to complete and return the form with the regulatory fees on June 30, 2005.
9. Metropolitan stated it was not until it received the November 29, 2005, Complaint and Order to Show Cause Why Permit Should Not Be Canceled For Failure to Pay Regulatory Fees and/or Failure to File 2004 Annual Report and Notice of Hearing, that it was aware the Commission had not received the annual report and regulatory fee mailed on June 30, 2005. Metropolitan explained that it then retrieved the file from its year end storage and resubmitted a copy. The original check, number 28419, mailed to the Commission on June 30, 2005, was canceled and replaced with check 29260 for the original amount.
10. After receiving Metropolitan's Mitigation Request, I reviewed the Commission's records. I find no evidence of a 2004 annual report or payment of 2005 regulatory fees received prior to December 19, 2005. However, Metropolitan's annual report received by the Commission on December 19, 2005, is dated June 30, 2005. A copy of that annual report is attached to this declaration as Attachment B. The Regulatory Fee Calculation Schedule indicates one month of late fees were calculated at the time it was completed. Metropolitan submitted a regulatory fee of \$1,486.15 and \$44.58 to cover the late fees.
11. My review of Commission records indicates Metropolitan has not filed its annual report by the due date of May 1, in at least the previous nine years. A table demonstrating the history is attached to this declaration as Attachment C. Metropolitan failed to request an extension to file the annual report in any year except 2003, when it was granted two extensions to file beyond the May 1 deadline. The \$100.00 penalty assessed in Docket Number TV-052020 is the first time the company has been penalized for late filing its annual report.
12. I believe the company provided a credible explanation of the mitigating circumstances that led to the late filing in this case. For this reason, I support the company's request for full mitigation of the \$100.00 penalty.

DATED this 16th day of February, 2006 at Olympia, Washington.



SHERI HOYT

ATTACHMENT A

Attachment A

Metropolitan Movers, Inc. – TV-052020 Staff Investigation - Annual Report/Regulatory Fees January 10, 2006

Purpose

The purpose of this investigation is to determine if Metropolitan Movers, Inc. (Metropolitan) is in violation of WAC 480-15-480 which requires household goods carriers to furnish annual reports to the Commission no later than May 1 each year.

Background

This investigation was prompted by Staff's yearly review of annual reports for household goods carriers registered in the state of Washington.

On March 3, 2005, the Commission mailed 2004 Annual Report forms and 2005 Regulatory Fee packets to household goods carriers in Washington State. A letter signed by Executive Secretary Carole Washburn instructed companies to file annual reports by May 1, 2005 (Appendix A). Companies requesting an extension were asked to do so prior to May 1, providing a reason for the requested extension.

On June 1, 2005, a letter signed by Carole Washburn was sent to each household goods carrier that had not filed an annual report by May 1, 2005 (Appendix B). The letter stated that Staff intended to recommend enforcement action, including possible penalties and/or suspension or revocation of authority to operate in Washington, for any company that failed to file a completed annual report by July 1, 2005.

Investigation

As of May 1, 2005, Metropolitan had not filed a 2004 annual report. The Commission mailed the company a letter on June 1, stating that Staff intended to recommend enforcement action, including possible penalties, for any company that failed to file a completed annual report. Metropolitan was advised that it must file the annual report no later than July 1, 2005, to avoid enforcement action.

In September 2005, Licensing Services Staff reviewed annual reports and regulatory fees for household goods carriers, compiled a list of companies that were out of compliance, and referred the matter to Business Practices Investigations.

On November 29, 2005, the Commission issued a Complaint and Order to Show Cause Why Permit Should Not be Cancelled for Failure to Pay Regulatory Fees and/or Failure to File 2004 Annual Report, and Notice of Hearing (Appendix C). Subsequently, Metropolitan filed the annual report on December 19, 2005.

Appendix A



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

March 3, 2005

Subject: 2004 Annual Report/2005 Regulatory Fees

Enclosed is your 2004 Household Goods Carrier annual report form. Every company subject to regulation by the Washington Utilities and Transportation Commission (Commission) must file an annual report. This annual report details gross intrastate operating revenue for the preceding calendar year. Regulatory fees based on that revenue are collected for the current year per RCW 81.80.321 and RCW 81.04.080. The regulatory fee order and annual report forms are available on the Commission's web site at www.wutc.wa.gov. The Commission will also send a paper copy of the approved order and additional annual report forms upon request.

You must file your annual report and pay regulatory fees by May 1, 2005. Perfunctory extensions will not be granted. If you need an extension, please file prior to May 1, 2005, providing a reason for requesting an extension. In granting an extension, the Commission will consider whether application of the rule imposes undue hardship on the requesting person, different from hardships imposed on similarly situated persons per WAC 480-15-480.

Inquiries regarding annual reports should be directed to 360-664-1201 or annualreports@wutc.wa.gov.

It is the Commission's policy to provide equal access to its services. If you need special accommodations, please call 360-664-1133. TTY Toll Free 1-800-416-5289.

Sincerely,

A handwritten signature in black ink, appearing to read "Carole J. Washburn".

Carole J. Washburn
Executive Secretary

Enclosures

Appendix B



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

June 1, 2005

Dear Regulated Household Goods Carrier:

Every Household Goods Carrier subject to regulation by the Washington Utilities and Transportation Commission (Commission) is required by state law to file an annual report and pay regulatory fees by May 1st of each year. We mailed you the 2004 annual report form and 2005 regulatory fee calculation sheet on March 3, 2005. Our records indicate that you have not yet filed the completed annual report form and have not paid your regulatory fees for 2005.

You have already incurred a penalty of 2% of the total amount due for failure to pay your 2005 regulatory fees by May 1, 2005, and you will be charged interest at the rate of 1% per month on the delinquent balance until it is paid in full.

Commission staff also intends to recommend enforcement action, which may include penalties of up to \$100 per day and/or suspension or revocation of your authority to operate in Washington, against any household goods carrier that fails to file a completed annual report. In order to avoid this enforcement action, you must file your annual report as soon as possible, and no later than July 1, 2005.

Annual report forms are available on the Commission's web site at www.wutc.wa.gov. If you have questions or require additional information, please call (360) 664-1201 or e-mail us at annualreports@wutc.wa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carole J. Washburn".

Carole J. Washburn
Executive Secretary

Appendix C

[Service Date November 29, 2005]

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

BUSBY, DAN D/B/A CAREFUL
MOVERS; CASCADE MOVING &
STORAGE, INC.; CUMMINGS MOVING
SYSTEMS, LLC; EMAD KADEM AL-
MOSAWI D/B/A SUNSHINE MOVERS;
FRANZ, CLARA MARLENE D/B/A
PROGRESSIVE MOVERS; G.J. DANIELS,
INC.; HAROLD LEMAY ENTERPRISES,
INC.; HUTSON, CHARLES EDWARD
D/B/A HUTSON & SONS MOVING &
PACKING; W.W. KASSNER D/B/A
INDUSTRIAL TRANSFER CO.;
LINCOLN MOVING & STORAGE CO.,
INC.; LINDSEY, JERRY D/B/A JERRY
LINDSEY EXCAVATING; MASKELYNE
TRANSFER & STORAGE, INC.; MAUST
CORP, THE; METROPOLITAN
MOVERS, INC.; PACIFIC NORTHWEST
MOTOR FREIGHT LINES, INC.; POZZI
BROTHERS TRANSPORTATION, INC.;
RISK, DON C., JR., D/B/A PEOPLE
MOVERS; SELL, WILLIAM L.;
SPECIALTY MOVING, INC.; SWAN'S
MOVING & STORAGE CO., INC.; T & T
MILK TRANSPORT, INC.;
WASHINGTON MOVING & STORAGE,
INC.,

Respondents.

DOCKET NO. TV-051482

COMPLAINT AND ORDER TO
SHOW CAUSE WHY PERMIT
SHOULD NOT BE CANCELED
FOR FAILURE TO PAY
REGULATORY FEES AND/OR
FAILURE TO FILE 2004 ANNUAL
REPORT; AND NOTICE OF
HEARING
(Set for December 19, 2005,
1:30 p.m.)

- 1 **Synopsis:** *The Commission orders twenty-two companies to show cause why their household goods carrier permits should not be canceled for failure to pay regulatory fees as required by RCW 81.80.321 and/or failure to file an annual report as required by RCW 81.04.080.*
- 2 **Proceedings:** The staff of the Washington Utilities and Transportation Commission (Commission Staff) distributes annual report forms to all household goods carrier permit holders, including Busby, Dan d/b/a Careful Movers (Careful Movers); Cascade Moving & Storage, Inc. (Cascade Moving); Cummings Moving Systems, LLC (Cummings Moving); Emad Kadem Al-Mosawi d/b/a Sunshine Movers (Sunshine Movers); Franz, Clara Marlene d/b/a Progressive Movers (Progressive Movers); G.J. Daniels, Inc. (G.J. Daniels); Harold Lemay Enterprises, Inc. (LeMay); Hutson, Charles Edward d/b/a Hutson & Sons Moving & Packing (Hutson Moving); W.W. Kassner d/b/a Industrial Transfer Co. (Industrial Transfer); Lincoln Moving & Storage Co., Inc. (Lincoln Moving); Lindsey, Jerry d/b/a Jerry Lindsey Excavating (Lindsey Excavating); Maskelyne Transfer & Storage, Inc. (Maskelyne Transfer); Maust Corp, The (Maust); Metropolitan Movers, Inc. (Metropolitan Movers); Pacific Northwest Motor Freight Lines, Inc. (Pacific Northwest); Pozzi Brothers Transportation, Inc. (Pozzi Brothers); Risk, Don C., Jr., d/b/a People Movers (People Movers); Sell, William L. (William Sell); Specialty Moving, Inc. (Specialty Moving); Swan's Moving & Storage Co., Inc. (Swan's Moving); T & T Milk Transport, Inc. (T & T Milk); Washington Moving & Storage, Inc. (Washington Moving); (collectively "the Companies"). The annual report forms are sent to the address on record with the Commission for each permit holder. Each permit holder is required to submit an annual report and remit regulatory fees by May 1 of each year. A search of Commission records indicates that the Companies failed to comply with fee and/or reporting requirements required by RCW 81.80.321, RCW 81.04.080, and WAC 480-15-480. Thus, Commission Staff asks the Commission to order the Companies to come before it and show cause why the Commission should not

cancel each Company's permit for failure to pay regulatory fees and/or file annual reports.

I. COMPLAINT

- 3 The Washington Utilities and Transportation Commission (Commission) on its
own motion, and through its Staff, alleges as follows:
- 4 Household goods carriers are required to submit annual reports and remit
regulatory fees to the Commission. *Title 81 RCW.*
- 5 Household goods carriers are common carriers. *See RCW 81.80.010; WAC 480-15-
020.* Every common carrier is a public service company. *RCW 81.04.010.*
- 6 Public service companies must file an annual report with the Commission. *RCW
81.04.080.* Each common carrier must pay an annual regulatory fee of no more
than one quarter of one percent of its gross income from intrastate operations for
the previous calendar year. *RCW 81.80.321.* Thus, as common carriers
transporting goods within the state of Washington, household goods carriers
must pay regulatory fees and file annual reports.
- 7 Under Title 81 RCW, the Commission is expressly empowered to issue rules and
regulations governing household goods carriers. *See 81.04.160; WAC 480-15-010.*
- 8 The Commission distributes by mail annual report forms and instructions to each
household goods permit holder at its address on record with the Commission.
WAC 480-15-480.
- 9 Annual reports and regulatory fees are due no later than May 1 of the year
following the year being reported. *WAC 480-15-480.*

- 10 The Commission may cancel a household goods carrier permit for good cause, including failure to submit an annual report or failure to pay regulatory fees. WAC 480-15-450.
- 11 Busby, Dan d/b/a Careful Movers, is a public service company as defined in RCW 81.04.010. Careful Movers holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Careful Movers failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 12 Cascade Moving & Storage, Inc., is a public service company as defined in RCW 81.04.010. Cascade Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Cascade Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 13 Cummings Moving Systems, LLC, is a public service company as defined in RCW 81.04.010. Cummings Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Cummings Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 14 Emad Kadem Al-Mosawi d/b/a Sunshine Movers is a public service company as defined in RCW 81.04.010. Sunshine Movers holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Sunshine Movers failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 15 Franz, Clara Marlene d/b/a Progressive Movers, is a public service company as defined in RCW 81.04.010. Progressive Movers holds authority to transport household goods in the state of Washington for compensation. From the

Commission's files and records, it appears that Progressive Movers failed to pay the regulatory fees and file the annual report due on May 1, 2005.

- 16 G.J. Daniels, Inc., is a public service company as defined in RCW 81.04.010. G.J. Daniels holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that G.J. Daniels failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 17 Harold LeMay Enterprises, Inc., is a public service company as defined in RCW 81.04.010. LeMay holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that LeMay failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 18 Hutson, Charles Edward d/b/a Hutson & Sons Moving & Packing is a public service company as defined in RCW 81.04.010. Hutson Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that although Hutson Moving timely filed an annual report it failed to pay the regulatory fees due May 1, 2005.
- 19 Lincoln Moving & Storage Co., Inc., is a public service company as defined in RCW 81.04.010. Lincoln Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Lincoln Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 20 W.W. Kassner d/b/a Industrial Transfer Co., is a public service company as defined in RCW 81.04.010. Industrial Transfer holds authority to transport household goods in the state of Washington for compensation. From the

Commission's files and records, it appears that Industrial Transfer failed to pay the regulatory fees and file the annual report due on May 1, 2005.

- 21 Lindsey, Jerry d/b/a Jerry Lindsey Excavating, is a public service company as defined in RCW 81.04.010. Lindsey Excavating holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that although Lindsey Excavating timely filed an annual report it failed to pay the regulatory fees due May 1, 2005.
- 22 Maskelyne Transfer & Storage, Inc. is a public service company as defined in RCW 81.04.010. Maskelyne Transfer holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Maskelyne Transfer failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 23 The Maust Corp is a public service company as defined in RCW 81.04.010. Maust holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Maust failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 24 Metropolitan Movers, Inc., is a public service company as defined in RCW 81.04.010. Metropolitan Movers holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Metropolitan Movers failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 25 Pacific Northwest Motor Freight Lines, Inc., is a public service company as defined in RCW 81.04.010. Pacific Northwest holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Pacific Northwest failed to pay the regulatory fees and file the annual report due on May 1, 2005.

- 26 Pozzi Brothers Transportation, Inc., is a public service company as defined in RCW 81.04.010. Pozzi Brothers holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Pozzi Brothers failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 27 Risk, Don C., Jr. d/b/a People Movers, is a public service company as defined in RCW 81.04.010. People Movers holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that People Movers failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 28 Specialty Moving, Inc. is a public service company as defined in RCW 81.04.010. Specialty Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Specialty Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 29 Sell, William L., is a public service company as defined in RCW 81.04.010. William Sell holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that although William Sell timely filed an annual report it failed to pay the regulatory fees due May 1, 2005.
- 30 Swan's Moving & Storage Co., Inc., is a public service company as defined in RCW 81.04.010. Swan's Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Swan's Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.

- 31 T & T Milk Transport, Inc., is a public service company as defined in RCW 81.04.010. T & T Milk holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that T & T Milk failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 32 Washington Moving & Storage, Inc., is a public service company as defined in RCW 81.04.010. Washington Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Washington Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 33 In sum, as set out in a table in Appendix 1 to the Complaint, the foregoing Companies have failed to remit regulatory fees and/or file annual reports by the May 1, 2005, deadline.

II. ORDER AND NOTICE OF HEARING

- 34 IT IS HEREBY ORDERED That Busby, Dan d/b/a Careful Movers (Careful Movers); Cascade Moving & Storage, Inc. (Cascade Moving); Cummings Moving Systems, LLC (Cummings Moving); Emad Kadem Al-Mosawi d/b/a Sunshine Movers (Sunshine Movers); Franz, Clara Marlene d/b/a Progressive Movers (Progressive Movers); G.J. Daniels, Inc. (G.J. Daniels); Harold Lemay Enterprises, Inc. (LeMay); Hutson, Charles Edward d/b/a Hutson & Sons Moving & Packing (Hutson Moving); W.W. Kassner d/b/a Industrial Transfer Co. (Industrial Transfer); Lincoln Moving & Storage Co., Inc. (Lincoln Moving); Lindsey, Jerry d/b/a Jerry Lindsey Excavating (Lindsey Excavating); Maskelyne Transfer & Storage, Inc. (Maskelyne Transfer); Maust Corp, The (Maust); Metropolitan Movers, Inc. (Metropolitan Movers); Pacific Northwest Motor Freight Lines, Inc. (Pacific Northwest); Pozzi Brothers Transportation, Inc. (Pozzi Brothers); Risk, Don C., Jr., d/b/a People Movers (People Movers); Sell, William L. (William Sell); Specialty Moving, Inc. (Specialty Moving); Swan's Moving & Storage Co., Inc.

(Swan's Moving); T & T Milk Transport, Inc. (T & T Milk); Washington Moving & Storage, Inc. (Washington Moving), must, unless a different time and place be specified by notice of hearing issued by the secretary of the Commission, appear at a hearing before the Commission, at 1:30 p.m., on December 19, 2005, in Room 108, First Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, to answer the complaint herein and show cause, if any, why the Commission should not cancel their common carrier permits for failure to pay regulatory fees and/or submit annual reports.

35 The Commission, by this notice, sets a hearing in this matter, which will be held pursuant to chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.434, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission has jurisdiction in this matter under chapter 80.01 RCW, chapter 81.04 RCW and chapter 81.80 RCW, including but not limited to RCW 80.01.040, RCW 81.04.110, RCW 81.04.380, RCW 81.80.130, RCW 81.80.280, RCW 81.80.290, and RCW 81.80.330, and under chapter 480-07 WAC and chapter 480-15 WAC, including but not limited to WAC 480-07-145, WAC 480-07-150, WAC 480-07-320, WAC 480-07-440, WAC 480-07-450, WAC 480-07-470, WAC 480-07-490, WAC 480-07-495, WAC 480-15-130, WAC 480-15-450, and WAC 480-15-480.

39 **NOTICE IS HEREBY GIVEN** that a hearing in this matter will be held on Monday, December 19, 2005, 1:30 p.m., in Room 108, First Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. If you are unable to attend the hearing in person, you may attend via the Commission's teleconference bridge line, 360-664-3846. Please appear on the teleconference bridge five minutes before the hearing is scheduled to begin.

40 THE COMMISSION GIVES FURTHER NOTICE 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 AND WAC 480-07-450.

41 If any party or witness needs interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

42 The names and mailing addresses of all parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
PO Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Jennifer Cameron-Rulkowski
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
PO Box 40128
Olympia, WA 98504-0128
(360) 664-1186

Respondent: Dan Busby
d/b/a Careful Movers
12529 Highway 99
Everett, WA 98204-5506

Respondent: Cascade Moving & Storage, Inc.
P.O. Box 81252
Seattle, WA 98108

Respondent: Cummings Moving Systems, LLC
3000 Market Street, Plaza #501
Salem, OR 97301

Respondent: Emad Kadem Al-Mosawi
d/b/a Sunshine Movers
P.O. Box 22625
Seattle, WA 98122-0625

Respondent: Clara Marlene Franz
3515 M Street
Vancouver, WA 98663

Respondent: G.J. Daniels, Inc.
2525 220th Street SE #106
Bothell, WA 98021

Respondent: Harold LeMay Enterprises, Inc.
P.O. Box 44459
Tacoma, WA 98444

Respondent: Charles Edward Hutson
d/b/a Hutson & Sons Moving & Packing
2413 Hutson Jones Way
Evans, WA 99126

Respondent: W.W. Kassner
d/b/a Industrial Transfer Co.
P.O. Box 1716
Auburn, WA 98071

Respondent: Lincoln Moving & Storage Co., Inc.
8420 S 190th Street
Kent, WA 98037

Respondent: Jerry Lindsey
Jerry Lindsey Excavating
1865 W Uncas Road
Pt. Townsend, WA 98368

Respondent: Maskelyne Transfer & Storage, Inc.
P.O. Box 352
Walla Walla, WA 99362-0352

Respondent: The Maust Corp
P.O. Box 58503
Seattle, WA 98138-1503

Respondent: Metropolitan Movers, Inc.
10303 Portland Avenue
Tacoma, WA 98445

Respondent: Pacific Northwest Motor Freight Lines, Inc.
802 N 31st Street
Renton, WA 98056

Respondent: Pozzi Brothers Transportation, Inc.
P.O. Box 776
Kent, WA 98035-0776

Respondent: Don C. Risk, Jr.
d/b/a People Movers
30801 16th Place SW, Unit A
Federal Way, WA 98023

Respondent: William L. Sell
P.O. Box 559
Aberdeen, WA 98520

Respondent: Specialty Moving, Inc.
33619 54th Avenue S
Kent, WA 98032

Respondent: Swan's Moving & Storage Co., Inc.
4950 Pacific Highway
Bellingham, WA 98226-9017

Respondent: T & T Milk Transport, Inc.
West 3404 Cora Street
Spokane, WA 99205

Respondent: Washington Moving & Storage, Inc.
3395 Mottman Road SW
Tumwater, WA 98512

- 43 Theodora M. Mace is appointed as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the hearing.

III. ORDER

THE COMMISSION ORDER That

- 44 (1) Busby, Dan d/b/a Careful Movers (Careful Movers); Cascade Moving & Storage, Inc. (Cascade Moving); Cummings Moving Systems, LLC (Cummings Moving); Emad Kadem Al-Mosawi d/b/a Sunshine Movers (Sunshine Movers); Franz, Clara Marlene d/b/a Progressive Movers (Progressive Movers); G.J. Daniels, Inc. (G.J. Daniels); Harold Lemay Enterprises, Inc. (LeMay); Hutson, Charles Edward d/b/a Hutson & Sons Moving & Packing (Hutson Moving); W.W. Kassner d/b/a Industrial Transfer Co. (Industrial Transfer); Lincoln Moving & Storage Co., Inc. (Lincoln Moving); Lindsey, Jerry d/b/a Jerry Lindsey Excavating (Lindsey Excavating); Maskelyne Transfer & Storage, Inc. (Maskelyne Transfer); Maust Corp, The (Maust); Metropolitan Movers, Inc. (Metropolitan Movers); Pacific Northwest Motor Freight Lines, Inc. (Pacific Northwest); Pozzi Brothers Transportation, Inc. (Pozzi Brothers); Risk, Don C., Jr., d/b/a People Movers (People Movers); Sell, William L. (William Sell); Specialty Moving, Inc. (Specialty Moving); Swan's Moving & Storage Co., Inc. (Swan's Moving); T & T Milk Transport, Inc. (T & T Milk);

Washington Moving & Storage, Inc. (Washington Moving), must come before the Commission pursuant to WAC 480-15-130(2)(a) to show cause why the Commission should not cancel its carrier permit for failure to submit annual reports and/or pay regulatory fees.

- 45 (2) Under WAC 480-15-130(2)(a), the burden is on each company to prove that its carrier permit should not be cancelled.
- 46 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this ____ day of November, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PHILIP B. JONES, Commissioner

Inquiries may be addressed to:

Executive 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) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. **(PLEASE SUPPLY ALL REQUESTED INFORMATION)**

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.:(_____) _____

Docket No. TV-051482
 Appendix to Complaint
 Delinquent 2004 Annual Report and 2005 Regulatory Fee Payment

No.	Company Name	Failed to File 2004 Annual Report	Failed to File 2005 Regulatory Fees	Companies now In Compliance
1	Busby, Dan d/b/a Careful Movers	✓	✓	
2	Cascade Moving & Storage, Inc.	✓	✓	
3	Cummings Moving Systems, LLC	✓	✓	
4	Emad Kadam Al-Mosawi d/b/a Sunshine Movers	✓	✓	
5	Franz, Clara Marlene d/b/a Progressive Movers	✓	✓	
6	G.J. Daniels, Inc.	✓	✓	
7	Harold Lemay Enterprises, Inc.	✓	✓	
8	Hutson, Charles Edward d/b/a Hutson & Sons Moving & Packing	✓		
9	W.W. Kasener d/b/a Industrial Transfer Co.	✓	✓	
10	Lincoln Moving & Storage Co., Inc.	✓	✓	
11	Lindsey, Jerry d/b/a Jerry Lindsey Excavating	✓		
12	Maskelyne Transfer & Storage, Inc.	✓	✓	
13	Maust Corp, The	✓	✓	
14	Metropolitan Movers, Inc.	✓	✓	
15	Pacific Northwest Motor Freight Lines, Inc.	✓	✓	
16	Pozzi Brothers Transportation, Inc.	✓	✓	
17	Risk, Don C., Jr., d/b/a People Movers	✓	✓	
18	Sell, William L.	✓		
19	Specialty Moving, Inc.	✓	✓	
20	Swan's Moving & Storage Co., Inc.	✓	✓	
21	T & T Milk Transport, Inc.	✓	✓	
22	Washington Moving & Storage, Inc.	✓	✓	

Appendix D

[Service Date January 4, 2006]

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

BUSBY, DAN D/B/A CAREFUL
MOVERS; CASCADE MOVING &
STORAGE, INC.; CUMMINGS
MOVING SYSTEMS, LLC; EMAD
KADEM AL-MOSA WI D/B/A
SUNSHINE MOVERS; FRANZ,
CLARA MARLENE D/B/A
PROGRESSIVE MOVERS; G.J.
DANIELS, INC.; HAROLD LEMAY
ENTERPRISES, INC.; HUTSON,
CHARLES EDWARD D/B/A HUTSON
& SONS MOVING & PACKING; W.W.
KASSNER D/B/A INDUSTRIAL
TRANSFER CO.; LINCOLN MOVING
& STORAGE CO., INC.; LINDSEY,
JERRY D/B/A JERRY LINDSEY
EXCAVATING; MASKELYNE
TRANSFER & STORAGE, INC.;
MAUST CORP, THE;
METROPOLITAN MOVERS, INC.;
PACIFIC NORTHWEST MOTOR
FREIGHT LINES, INC.; POZZI
BROTHERS TRANSPORTATION,
INC.; RISK, DON C., JR., D/B/A
PEOPLE MOVERS; SELL, WILLIAM
L.; SPECIALTY MOVING, INC.;
SWAN'S MOVING & STORAGE CO.,
INC.; T & T MILK TRANSPORT, INC.;
WASHINGTON MOVING &
STORAGE, INC.,

Respondents.

.....

) DOCKET NO. TV-051482

) ORDER NO. 01

) INITIAL ORDER DISMISSING
) COMPLAINT AGAINST: CASCADE
) MOVING & STORAGE, INC.;
) CUMMINGS MOVING SYSTEMS,
) LLC; EMAD KADEM AL-MOSA WI
) D/B/A SUNSHINE MOVERS; G.J.
) DANIELS, INC.; HAROLD LEMAY
) ENTERPRISES, INC.; HUTSON,
) CHARLES EDWARD D/B/A
) HUTSON & SONS MOVING &
) PACKING; LINCOLN MOVING &
) STORAGE CO., INC.; LINDSEY,
) JERRY D/B/A JERRY LINDSEY
) EXCAVATING; MASKELYNE
) TRANSFER & STORAGE, INC.;
) METROPOLITAN MOVERS, INC.;
) POZZI BROTHERS
) TRANSPORTATION, INC.; RISK,
) DON C., JR., D/B/A PEOPLE
) MOVERS; SELL, WILLIAM L.;
) SPECIALTY MOVING, INC.;
) SWAN'S MOVING & STORAGE
) CO., INC.; WASHINGTON
) MOVING & STORAGE, INC.,

) And CANCELLING HOUSEHOLD
) GOODS CARRIER PERMIT OF
) BUSBY, DAN D/B/A CAREFUL
) MOVERS; FRANZ, CLARA
) MARLENE D/B/A PROGRESSIVE
) MOVERS; W.W. KASSNER D/B/A
) INDUSTRIAL TRANSFER CO.;
) MAUST CORP, THE; PACIFIC
) NORTHWEST MOTOR FREIGHT
) LINES, INC.; T & T MILK
) TRANSPORT, INC.

1 **Synopsis:** *This initial order proposes to dismiss the Complaint and Order to Show Cause against fourteen household goods companies because they complied with reporting and fee requirements; and to dismiss the Complaint and Order to show cause against two companies that chose to voluntarily cancel their household goods carrier permits. In addition, this order proposes to cancel the household goods carrier permits of six household goods companies for failure to file an annual report as required by RCW 81.04.080, and failure to comply with reporting and fee requirements of WAC 480-15-480.*

2 **Nature of the Proceeding:** This is a proceeding in which the Commission ordered twenty-two household goods carriers to appear and show cause why their household goods permits should not be canceled.

3 **Procedural History:** On November 29, 2005, the Commission entered a Complaint and Order to Show Cause Why Permit Should Not Be Canceled For Failure to Pay Regulatory Fees and/or Failure to File 2005 Annual Report; and Notice of Hearing against Busby, Dan d/b/a Careful Movers (Careful Movers); Cascade Moving & Storage, Inc. (Cascade Moving); Cummings Moving Systems, LLC (Cummings Moving); Emad Kadem Al-Mosawi d/b/a Sunshine Movers (Sunshine Movers); Franz, Clara Marlene d/b/a Progressive Movers (Progressive Movers); G.J. Daniels, Inc. (G.J. Daniels); Harold Lemay Enterprises, Inc. (LeMay); Hutson, Charles Edward d/b/a Hutson & Sons Moving & Packing (Hutson Moving); W.W. Kassner d/b/a Industrial Transfer Co. (Industrial Transfer); Lincoln Moving & Storage Co., Inc. (Lincoln Moving); Lindsey, Jerry d/b/a Jerry Lindsey Excavating (Lindsey Excavating); Maskelyne Transfer & Storage, Inc. (Maskelyne Transfer); Maust Corp, The (Maust); Metropolitan Movers, Inc. (Metropolitan Movers); Pacific Northwest Motor Freight Lines, Inc. (Pacific Northwest); Pozzi Brothers Transportation, Inc. (Pozzi Brothers); Risk, Don C., Jr., d/b/a People Movers (People Movers); Sell, William L. (William Sell); Specialty Moving, Inc. (Specialty Moving); Swan's Moving & Storage Co., Inc. (Swan's Moving); T & T Milk Transport, Inc. (T & T Milk); Washington Moving & Storage, Inc. (Washington Moving); (collectively "the Companies"). The matter was heard upon due and proper notice by Administrative Law Judge (ALJ) Theodora M. Mace on December 19, 2005, in Olympia, Washington.

- 4 **Initial Order:** The presiding ALJ proposes to dismiss the Complaint against Cascade Moving; Sunshine Movers; G.J. Daniels; LeMay; Hutson Moving; Lincoln Moving; Lindsey Excavating; Maskelyne Transfer; Metropolitan Movers; People Movers; William Sell; Specialty Moving; Swan's Moving; and, Washington Moving because the evidence shows that they have complied with the reporting and fee requirements of RCW 81.04.080 and WAC 480-15-480.
- 5 The presiding ALJ proposes to dismiss the complaint against Cummings Moving and Pozzi Brothers because both companies voluntarily surrendered their household goods permits.
- 6 Finally, the presiding ALJ proposes to cancel the household goods carrier permits of Careful Movers; Progressive Movers; Industrial Transfer; Maust; Pacific Northwest; and T&T Milk for failure to file their 2005 annual report and, in some instances, to pay their regulatory fees for 2005.
- 7 **Appearances:** The Commission Staff is represented by Assistant Attorney General Jennifer Cameron-Rulkowski, Olympia, Washington. Specialty Moving is represented by David Wiley, attorney, Silverdale, Washington. No other respondent entered an appearance at the hearing.

DISCUSSION

- 8 **Background.** Public service companies, including household goods carriers, are required to file an annual report with the Commission. *RCW 81.04.080*. In addition, they are required to file with the Commission a statement showing gross operating revenue from intrastate operations for the preceding calendar year, and to pay a fee to the Commission based on gross operating revenue. *WAC 480-15-480*. The Commission sends annual report forms to the address on record with the Commission for each household goods carrier permit holder. *Id.* Each permit holder must submit an annual report and remit regulatory fees by May 1 of each year. *Id.*
- 9 The Commission sent annual report forms to each of the respondents of record in this proceeding. A search of Commission records indicated that respondents failed to comply with reporting and/or fee requirements of RCW 81.04.080 and WAC 480-15-480 by May 1, 2005.

- 10 On November 29, 2005, the Commission served a complaint and order to show cause on respondents requiring them to appear before the Commission on December 19, 2005, to answer the complaint, and to show cause why their household goods carrier permits should not be canceled for failure to file an annual report as required by RCW 81.04.080, and failure to comply with reporting and fee requirements of WAC 480-15-480.
- 11 **Hearing.** At the hearing on December 19, 2005, Commission Staff presented the testimony of Ms. Betty Young, Compliance Specialist with the Commission's Businesses Practices Investigation Section. Ms. Young sponsored thirteen exhibits which were admitted in evidence. Ms. Young testified that respondents Cascade Moving; Sunshine Movers; G.J. Daniels; LeMay; Hutson Moving; Lincoln Moving; Lindsey Excavating; Maskelyne Transfer; Metropolitan Movers; People Movers; William Sell; Specialty Moving; Swan's Moving; and, Washington Moving complied with RCW 81.04.080 and WAC 480-15-480 by filing their annual reports and/or remitting their regulatory prior to the Show Cause hearing. *Tr. 7-13, 17-26, Exhibits 1-7; 9-14.* Ms. Young recommended that the Commission not cancel the permits of these companies because they are now in compliance with statutory and regulatory reporting and fee requirements. *Id.*
- 12 Ms. Young testified that, based on her investigation, the following companies did not file their 2005 Annual Reports or pay their 2005 regulatory fees: Careful Movers; Progressive Movers; Industrial Transfer; Maust; Pacific Northwest; Pozzi Brothers; and T&T Milk. Therefore, Ms. Young recommended that the Commission cancel the permits of these companies. *Tr. 12-20.*
- 13 Commission Staff moved to dismiss Cummings Moving from this proceeding because the company had filed a letter voluntarily cancelling its permit.
- 14 **Post-hearing Motion to Dismiss Pozzi Brothers.** On December 30, 2005, Commission Staff filed a motion to dismiss Pozzi Brothers from this proceeding. Staff stated that on December 16, 2005, Pozzi Brothers had filed a request to remove its household goods authority from its common carrier permit. The Commission granted the request on December 19, 2005.¹ Staff stated that it did not become aware of the company's voluntary surrender of its household goods authority until December 29, 2005, ten days after the evidentiary proceeding in this case.

¹ Docket No. TV-051948, Order Reissuing Permit As Amended, December 22, 2005.

- 15 **Discussion and Conclusion.** The testimony and exhibits presented by Commission Staff establish that respondents Cascade Moving; Sunshine Movers; G.J. Daniels; LeMay; Hutson Moving; Lincoln Moving; Lindsey Excavating; Maskelyne Transfer; Metropolitan Movers; People Movers; William Sell; Specialty Moving; Swan's Moving; and, Washington Moving have complied with the reporting and fee requirements of RCW 81.04.080 and WAC 480-15-480. Accordingly, the proceedings against these respondents should be dismissed. Staff has also shown that Cummings Moving and Pozzi Brothers should be dismissed from this proceeding because they voluntarily surrendered their household goods operating authority.
- 16 For the remaining respondents, this order would recommend cancellation of their permits. The Commission's Notice of Hearing on the Complaint and Order to Show Cause specified that if a party failed to attend or participate in the hearing, it may be held in default in accordance with RCW 34.05.400 and WAC 480-07-450. Under circumstances such as these, the Administrative Procedure Act (RCW 34.05.440) and the Commission's rules (WAC 480-07-450) allow the presiding officer to proceed to resolve the case without further notice to, or hearing for the benefit of, the party in default. *RCW 34.05.440.*
- 17 The Commission may cancel a household goods carrier permit for good cause, including failure to submit an annual report or failure to pay regulatory fees. *WAC 480-15-450.* The un rebutted evidence presented by Commission Staff shows that Careful Movers; Progressive Movers; Industrial Transfer; Maust; Pacific Northwest; and T&T Milk violated Washington State law, and the Commission's rules. Therefore, the household goods permits of these companies should be cancelled.

FINDINGS OF FACT

- 18 (1) The Washington Utilities and Transportation Commission is an agency of the state of Washington, vested by statute with authority to regulate public service companies, including companies that hold authority to transport household goods in the state of Washington for compensation.
- 19 (2) Each of the respondents of record in this proceeding are public service companies as defined in RCW 81.04.010 and hold authority to transport household goods in the state of Washington for compensation.

- 20 (3) The Commission sent annual report forms and instructions to the address on record with the Commission for each of the named respondents.
- 21 (4) A search of Commission records indicated that respondents failed to comply with reporting and/or fee requirements of RCW 81.04.080 and WAC 480-15-480 by May 1, 2005.
- 22 (5) On November 29, 2005, the Commission entered a Complaint and Order to Show Cause ordering each respondent to appear and show cause why its permit should not be canceled.
- 23 (6) During the Show Cause hearing on December 19, 2005, Commission Staff testified that respondents Cascade Moving; Sunshine Movers; G.J. Daniels; LeMay; Hutson Moving; Lincoln Moving; Lindsey Excavating; Maskelyne Transfer; Metropolitan Movers; People Movers; William Sell; Specialty Moving; Swan's Moving; and, Washington Moving filed their annual reports and/or remitting their regulatory prior to the hearing.
- 24 (7) Staff testified that Cummings Moving filed a request for voluntary cancellation of its permit.
- 25 (8) On December 30, 2005, Staff filed a motion to dismiss Pozzi Brothers from this proceeding because the Commission had granted the company's request to remove household goods authority from its common carrier permit.
- 26 (9) Careful Movers; Progressive Movers; Industrial Transfer; Maust; Pacific Northwest; and T&T Milk failed to appear at the hearing on October 26, 2005, and show cause why their permits should not be canceled.
- 27 (10) The files and records of the Commission show that Careful Movers; Progressive Movers; Industrial Transfer; Maust; Pacific Northwest; and T&T Milk failed to file their annual reports for 2004 or remit regulatory fees for 2005 in compliance with RCW 81.04.080 and WAC 480-15-480.

CONCLUSIONS OF LAW

- 28 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of this proceeding and all parties to this proceeding.
- 29 (2) The Complaint and Order to Show Cause directed to Cascade Moving; Cummings Moving; Sunshine Movers; G.J. Daniels; LeMay; Hutson Moving; Lincoln Moving; Lindsey Excavating; Maskelyne Transfer; Metropolitan Movers; People Movers; Pozzi Brothers; William Sell; Specialty Moving; Swan's Moving; and, Washington Moving should be dismissed.
- 30 (3) Good cause exists under WAC 480-15-450 to cancel the household goods carrier permits of Careful Movers; Progressive Movers; Industrial Transfer; Maust; Pacific Northwest; and T&T Milk.

ORDER

- 31 IT IS HEREBY ORDERED That Cascade Moving; Cummings Moving; Sunshine Movers; G.J. Daniels; LeMay; Hutson Moving; Lincoln Moving; Lindsey Excavating; Maskelyne Transfer; Metropolitan Movers; People Movers; Pozzi Brothers; William Sell; Specialty Moving; Swan's Moving; and, Washington Moving are each dismissed from this proceeding.
- 32 IT IS FURTHER ORDERED That the household goods carrier permits of Careful Movers; Progressive Movers; Industrial Transfer; Maust; Pacific Northwest; and T&T Milk are canceled.

DATED at Olympia, Washington, and effective this 4th day of January, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

NOTICE TO THE PARTIES:

This is an Initial Order. The action proposed in this Initial Order is not effective until entry of a final order by the Utilities and Transportation Commission. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any *Answer* to any Petition for review may be filed by any party within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a *Motion to Reopen* a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Motion to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

One copy of any Motion or Answer filed must be served on each party of record, with proof of service as required by WAC 480-07-150(9). WAC 480-07-145(2) and (3) provide that an original and twelve copies of any Motion or Answer must be filed by mail delivery to:

Attn: Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia Washington 98504-7250.

ATTACHMENT B

Attachment B

HOUSEHOLD GOODS CARRIERS

ANNUAL REPORT

2
0
0
4

HG005966
METROPOLITAN MOVERS, INC.
10303 PORTLAND AVE.
TACOMA, WA 98445

M-5113

W

RECEIVED
DISTRIBUTION CENTER
2005 DEC 19 AM 7:39

STATE OF WASH.
WUTC
ENTERED INTO COMPUTER
DEC 19 2005

Full name and address of Company _____
Correct name and address, if different than shown _____

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
for the
YEAR ENDED DECEMBER 31, 2004

Inquiries concerning this Annual Report should be addressed to:

NAME: Ron Cronkite TITLE: CEO
ADDRESS: 10323 Portland Ave E
CITY: Tacoma STATE: WA ZIP: 98445
TELEPHONE: 253-537-8490 FAX: 253-537-8491 E-MAIL: Ron @ The Family Movers, com

The company must notify the Commission, in writing, of any changes to the above information.

TYPE OF PAYMENT - DO NOT SEND CASH IN THE MAIL		For Commission Use Only	
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> AMEX <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard		Credit Card Authorization #: _____	
Credit Card Number:			Expiration Date Month/Year
CERTIFICATION: I, the undersigned, under penalty for false statement, certify that the information is true, valid and correct, that I am authorized to execute on behalf of the applicant, and that I agree to pay the above total amount according to card issuer agreement.			
Name (Printed): _____		Title: _____	
Signature: _____		Date: _____	

0000782		For Commission Use Only	
Reception Number: _____	001-111-02-68-207-11: <u>44.58</u>	Ref. No: _____	
001-111-02-68-207-01: <u>1486.15</u>	001-111-02-68-032-05: _____		

Original to be mailed to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, WA 98504-7250
Web Site: www.wutc.wa.gov

1530.73

CERTIFICATION

I certify that I, Mark Cronkite, the responsible account officer for Metropolitan Motors, Inc. have examined the foregoing report; that, to the best of my knowledge, information and belief, all statements of fact contained in said report are true and said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from January 1, 2004, to December 31, 2004, inclusive.

Name (Printed): Mark Cronkite Title: CEO

Signature: [Handwritten Signature] Date: 06/30/2005

SCHEDULE 1

Washington Unified Business Identifier (UBI) No.: 278048169 *ol*
 (If you do not know your UBI No. please contact the Department of Licensing at 360-664-1400)

SMALL BUSINESS <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Small Business means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, owned and operated independently from all other businesses, that has the purpose of making a profit, and has <u>fifty or fewer employees</u> .	
TYPE OF MOTOR CARRIER <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation, <input type="checkbox"/> Other (LP, LLP, LLC, etc.) List the name, title, and percentage of partner's share or stock distribution for major stockholders. If LLC, list members and percentage of ownership.	
Name: <u>Jack Crankhite</u>	Title: <u>President</u> Percent/Shares/Stock/Ownership: <u>50</u> <i>ol</i>
Name: <u>Ron Crankhite</u>	Title: <u>Vice President</u> Percent/Shares/Stock/Ownership: <u>0</u>
Name: <u>Son Nicholas</u>	Title: <u>Secretary</u> Percent/Shares/Stock/Ownership: <u>0</u>
Safety Director Name: <u>Ron Crankhite</u>	Telephone Number: <u>253-537-8480</u>
Claims Manager Name: <u>Brandy Wright</u>	Telephone Number: <u>253-537-8480</u>
Drivers employed during the year: <u>20</u>	
Total vehicles operated during the year: <u>18</u>	
Total Vehicles Owned: <u>15</u>	Total Vehicles Leased: <u>0</u>
Total Vehicles Under 10,000 lbs (gvw rating): <u>3</u>	
Did you have any Recordable Accidents in 2004? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>ol</i> If yes, how many recordable accidents? <u>0</u> (please indicate total recordable accidents for both interstate and intrastate operations)	
Recordable Accident Definition: An occurrence involving a commercial motor vehicle on a public road in intrastate or interstate commerce which results in one or more of the following:	
1. A fatality, 2. Injury to a person requiring immediate treatment away from the scene of the accident, or disabling damage to a vehicle requiring it to be towed from the accident scene.	
TERMINAL FACILITIES Do you operate terminals at locations other than the primary address of record? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list (or attach a list) the address of each terminal located in Washington State:	
<u>304 W. Pacific Ave Spokane, WA 99204</u>	
STORAGE FACILITIES Do you operate your own storage facilities? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list (or attach a list) the address of each warehouse located in Washington State:	
<u>10303 Portland Ave E Tacoma, WA 98045</u>	

INTERSTATE OPERATIONS

Do you have interstate operating authority? Yes No

If yes, what is your MC#: 460087

Do you operate as the agent of an interstate carrier? Yes No

If yes, what is the name of the carrier? American Red Bull World Wide Movers

HOUSEHOLD GOODS MOVES

Total number of household goods moves completed during the year: 1200

Number of household goods moves completed in Washington (intrastate): 1200

Total number of written estimates issued during the year: 3400

Number of written estimates in Washington (intrastate): 1900

Total number of Loss and/or Damage Claims received during the year: 78

Number of Loss and/or Damage Claims for Washington (intrastate): 52

INSURANCE

Public Liability and Property Damage Insurance Company Name: McDonald Ins. Group Inc.

Policy Number: _____

CARGO INSURANCE

Cargo Insurance Company Name: McDonald Insurance Group Inc / American Trucking Co

Cargo Insurance Policy Number: MZ 680844377 CO. Inc.

You are not required to complete Schedule 2 if you are reporting "0" revenue or if you are a "small business" as defined in Schedule 1 on page 3 of this report.

SCHEDULE 2

Line No.	Item	1099 Account
OPERATING REVENUES		
1	Common Carrier (\$ Washington Intrastate Household Goods Revenue)	5944160.07
2	Contract Carrier (\$ Washington Intrastate Household Goods Revenue)	45389.20
3	Other Operating Revenues (describe) <i>Interstate</i>	571753.25
4	Total Operating Revenues	6211602.52
OPERATING EXPENSES		
SALARIES AND WAGES		
5	Owners, Spouses, Officers or Partners	40800.-
6	Clerical and Administrative (e.g. billing, personnel, etc.)	62408.75
7	Managerial/Supervisory (all not shown on line 5)	
8	Drivers and Helpers	44005.80
9	Mechanics and Truck Service	
10	Other Employees	64574.00
11	Total Salaries and Wages	607808.55
PAYROLL TAXES AND RELATED EXPENSES		
12	Federal Social Security (FICA) Taxes (\$ Owners, Partners, Officers)	40392.97
13	Federal Unemployment Taxes (\$ Owners, Partners, Officers)	1790.34
14	State Unemployment Taxes (\$ Owners, Partners, Officers)	27004.94
15	Workman's Compensation (Industrial Insurance) (\$ Owners, Partners, Officers)	51421.61
16	Other Payroll Taxes and Related Expenses (\$ Owners, Partners, Officers)	
17	Total Payroll Taxes and Related Expenses (\$ Owners, Partners, Officers)	123566.86
PAYROLL FRINGES		
18	Health and Welfare (Medical Insurance) -- employees	11309.00
19	Health and Welfare (Medical Insurance) -- owners, partners, officers	
20	Pension (Include IRA's and Keough Plans) -- employees	
21	Pension (Include IRA's and Keough Plans) -- owners, partners, officers	
22	Life insurance (Include IRA's and Keough Plans) -- employees	
23	Other Payroll Fringes	
24	Total Payroll Fringes	11309.00

OPERATING SUPPLIES AND EXPENSES		
25	Fuel, Including Fuel Tax	33552.52
26	Oil and Lubricants	2156.95
27	Repairs, Vehicle Parts and Outside Maintenance	41580.15
28	Tires and Tubes	9899.69
29	Other Operating Supplies and Expenses	
30	Total Operating Supplies & Expenses	87189.31

GENERAL SUPPLIES AND EXPENSES		
31	Office Supplies, postage, etc.	5972.45
32	Tariffs (WUTC/CCPUC, ETC.), Advertising (Yellow Pgs, ETC.) and Dues (Assoc., ETC.)	93779.70
33	Sales Commissions	
34	Expense Accounts -- Officers and Supervisory Personnel (Travel, Meals, etc.)	
35	Other General Supplies and Office Expenses	
36	Total General Supplies & Expenses	99752.15

OPERATING TAXES AND LICENSES		
37	State Revenue Taxes (e.g., Washington B & O, Ton-mile, etc.)	2109.86
38	Vehicle Licenses and Registrations (Tonnage, Tolerance, Excise tax)	9422.26
39	Federal Highway Use Tax	
40	City, County, State Business Licenses	
41	State Regulatory Fees (WUTC or PUC)	706.54
42	Real Estate and Personal Property Taxes	21791.38
43	Other Taxes and Licenses	30940.00
44	Total Operating Taxes & Licenses	84370.04

INSURANCE AND SAFETY		
45	Public Liability and Property Damage Insurance	
46	Cargo Loss and Damage Insurance and Claims Payments	
47	Other Insurance (Theft, Glass, Structures and Buildings, etc.) & safety	
48	Total Insurance and Safety	36554.38

COMMUNICATIONS & UTILITIES		
49	Communications Expense (Telephone, Radio, etc.)	14740.72
50	Utilities (Heat, Light, Power, Water, Sewer, Garbage, etc.)	7295.58
51	Other Communications and Utilities Expenses	5715.20
52	Total Communications & Utilities	27751.50

DEPRECIATION AND AMORTIZATION		
53	Building and Structures (Terminal, Shop, etc.)	
54	Revenue Equipment (Trucks, Power Units, etc.)	
55	Other Carrier Property	
56	Leasehold Improvements	
57	Amortization	
58	Other Depreciation and Amortization	
59	Total Depreciation & Amortization	21617.72
OPERATING RENTS		
60	Equipment Rents and Purchased (Leased) Transportation - Net	
61	Building Rents	81250.00
62	Computer and Office Equipment Rents	
63	Other Rents	
64	Total Operating Rents	81250.00
65	(GAIN) OR LOSS ON DISPOSITION OF OPERATING ASSETS	0
MISCELLANEOUS EXPENSES		
66	Legal Services	50933.71
67	Accounting Services	6731.75
68	Uncollectible Revenue	
69	Other Miscellaneous Expenses & Professional Fees	1560.00
70	Total Miscellaneous Expenses	49225.46
71	TOTAL OPERATING EXPENSES GRAND TOTAL (Total of Lines 11, 17, 24, 30, 36, 44, 48, 52, 59, 64, 65, 70)	12220435.00
72	NET CARRIER OPERATING INCOME (line 4 minus Line 71)	8832.71
73	Other Income (Credit) (describe)	
74	Interest Expense	2310.98
75	Corporate Income Tax	
76	Other Deductions (describe)	
77	Income Deductions (Total of lines 74, 75, & 76 minus line 73)	2310.98
78	NET INCOME (line 72 minus line 77) (Show loss in brackets)	1143.72

ATTACHMENT C

Attachment C

Report Year	Due Date	Date Received	Comments
2004	May 1, 2005	December 19, 2005	
2003	May 1, 2004	June 28, 2004	Metropolitan failed to include the late fees with its regulatory fee payment. Late fees were received on July 9, 2004.
2002	May 1, 2003	July 1, 2003	Metropolitan requested and was granted two extensions to file the annual report. The first was requested on May 1, 2003, and was granted to June 1, 2003. The second was requested on May 29, 2003, and was granted on July 9, 2003. Regulatory fees were received May 5, 2003.
2001	May 1, 2002	September 3, 2002	
2000	May 1, 2001	January 2, 2002	
1999	May 1, 2000	August 30, 2000	
1998	May 1, 1999	May 28, 1999	
1997	May 1, 1998	July 31, 1998	
1996	May 1, 1997	October 2, 1997	