

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

	)	
In the Matter of Determining the Proper	)	DOCKET TV-071670
Carrier Classification of	)	
	)	ORDER 01
DANIEL JOHN BUSBY d/b/a	)	
CAREFUL MOVERS	)	ORDER INSTITUTING SPECIAL
	)	PROCEEDING, SUBPOENA, AND
	)	
	)	NOTICE OF HEARING
	)	<b>(Set for January 8, 2008, 1:30 p.m.)</b>
	)	
.....	)	

**INTRODUCTION**

- 1 The Washington Utilities and Transportation Commission (Commission), pursuant to RCW 81.04.510, institutes this special proceeding on its own motion to determine whether Daniel John Busby d/b/a Careful Movers (Careful Movers) is operating as a common carrier for transportation of household goods by motor vehicle for compensation between points in the state of Washington and on the public highways of the state of Washington without the necessary certificate required for such operations by RCW 81.80.070.
  
- 2 On February 9, 2006, the Commission issued to Careful Movers an order canceling its household goods carrier permit in Docket TV-051482, for failure to file an annual report and pay regulatory fees. Pursuant to RCW 81.80.070, it is unlawful for a common carrier to transport property for compensation in this state without first obtaining from the Commission a permit to do so. By letter of February 21, 2006, the Commission explained to Careful Movers the effect of its Order, and directed the company to cease operations immediately, or be subject to penalties and a subpoena for a formal classification proceeding. Careful Movers did not file an application with the Commission to reinstate its permit.
  
- 3 The Commission has information from which it believes, and therefore alleges, that Careful Movers is operating as a household goods carrier, transporting household goods by motor vehicle for compensation on the public highways of the state of

Washington without the necessary certificate required for such operations by RCW 81.80.070. Specifically, the Commission has evidence that on December 23, 2006, Careful Movers transported household goods from a residence in north Seattle to a residence near downtown Seattle.

- 4 In addition, the Commission has evidence that Careful Movers accepted \$495.25 in payment for the December 23, 2006, move. Finally, the Commission has evidence that on July 7, 2007, Careful Movers refunded the customer \$245.00 of the total amount Careful Movers charged the customer for the December 23, 2006, move, after the customer requested a refund of \$275.00 for third-party costs incurred to complete the move.
- 5 Pursuant to RCW 81.04.510, upon proof of the allegations set forth above, the Commission is authorized to issue an order requiring Careful Movers to cease and desist activities subject to regulation under RCW Title 81.

#### **ORDER, SUBPOENA, AND NOTICE OF HEARING**

- 6 **THE COMMISSION ORDERS that Daniel John Busby d/b/a Careful Movers appear before the Commission in a special proceeding conducted pursuant to RCW 81.04.510 at 1:30 p.m. on Tuesday, January 8, 2008, at the Utilities and Transportation Commission, Room 108, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, to give testimony and evidence under oath as to its operations. Careful Movers shall appear at the time and place set forth above unless the Executive Secretary of the Commission, by notice of hearing, specifies a different time and place. The Commission enters this order pursuant to the subpoena powers granted in RCW 34.05.446 and RCW 81.04.510.**
- 7 **THE COMMISSION FURTHER ORDERS that, pursuant to RCW 34.05.446 and RCW 81.04.510, Careful Movers bring to the special proceeding:**

1) All records pertaining to all instances in which anyone employed by Careful Movers or acting on its behalf has transported household goods for compensation between points in the state of Washington since February 9, 2006. This includes, but is not limited to, bills of lading, records of employee and independent contractor work, correspondence, receipts, payment data, and income statements.

2) All records pertaining to arrangements that anyone employed by Careful Movers or acting on its behalf has made to transport household goods for compensation between points in the state of Washington after February 9, 2006. This includes, but is not limited to, written estimates, contracts, letters, e-mails, notes of telephone conversations, or other correspondence.

3) All lease agreements or title documents, insurance policy information, and registrations for vehicles capable of transporting property that are now, or have been, in Careful Movers' possession since February 9, 2006.

8 **THE COMMISSION FURTHER ORDERS** that at the hearing in this special proceeding, in accordance with RCW 81.04.510, the burden of proving that the alleged operations are not subject to the provisions of RCW Title 81 shall be upon Careful Movers.

9 The hearing in this matter is being held pursuant to Part IV of the Administrative Procedure Act (APA), RCW 34.05. The Commission has jurisdiction over this matter pursuant to RCW 81.80, which authorizes the Commission to regulate common carriers. In addition to the foregoing statutes, this matter involves RCW 80.01, including but not limited to, RCW 80.01.040; RCW 81.01.010; RCW 81.04.020; RCW 81.04.510; and RCW 81.80.070. This matter also involves the administrative rules set forth in WAC 480-15 and WAC 480-07.

10 **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.**

11 If a limited English-speaking or hearing-impaired party needs an interpreter, a form is attached to this notice to be filled out and returned as indicated, so that a qualified interpreter may be appointed at no cost to the party or witness.

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

Carrier: Daniel John Busby d/b/a Careful Movers  
12529 Highway 99  
Everett, WA 98204-5506

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

Representative: Michael A. Fassio  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1192

13 Administrative Law Judge Theodora Mace, from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, is designated to preside at the hearing.

14 Based on a review of Staff's October 2007, report on its investigation of Careful Movers and all supporting documents, and consistent with RCW 80.01.060, the undersigned finds probable cause exists to enter this order and commence this proceeding.

DATED at Olympia, Washington, and effective December 6, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge

Inquiries should be addressed to:

Executive Secretary  
Washington Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that 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 designated below and returned to:

Carole J. Washburn, Executive Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250.

**(SUPPLY ALL REQUESTED INFORMATION)**

Docket TV-071670

Case Name: **Careful Movers**

Hearing Date:\_\_\_\_\_ Hearing Location:\_\_\_\_\_

Primary  
Language:\_\_\_\_\_

Hearing Impaired (Yes)  (No)

Do you need a certified sign language interpreter: (Yes)  (No)

Visual\_\_\_\_\_ Tactile\_\_\_\_\_

Other type of assistance needed:\_\_\_\_\_

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

Name:\_\_\_\_\_

Address:\_\_\_\_\_

Phone No.: (\_\_\_\_)\_\_\_\_\_