

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TV-132030
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	
)	ORDER 01
v.)	
)	
BEST MOVING AND DELIVERY,)	
LLC,)	PREHEARING CONFERENCE
)	ORDER; NOTICE OF HEARING
Respondent.)	(Set for December 3, 2014, at 9:30
.....)	a.m.)

1 NATURE OF PROCEEDING. This proceeding arises out of a complaint filed by Commission Staff on September 11, 2014, against Best Moving and Delivery, LLC (Best Moving). The complaint alleges that Best Moving:

- falsified seven customer estimate forms, in violation of RCW 81.04.070;
- failed to provide a written estimate form to customers prior to a move on at least seven occasions, in violation of WAC 480-15-630;
- failed to include certain required statements in its written estimate forms on 24 occasions, in violation of WAC 480-15-630 and Tariff 15-C;¹
- failed to issue a cube sheet with the written estimate prior to a move on 31 occasions, in violation of WAC 480-15-630 and Tariff 15-C, Item 85(2)(g);
- failed to include various statements in its bill of lading on 31 occasion, in violation of WAC 480-15-630 and Tariff 15-C, Item 95;
- included inaccurate and unauthorized language within its bill of lading on 31 occasions, in violation of WAC 480-15-630 and Tariff 15-C;
- failed to include its physical address on its website, in violation of WAC 480-15-610(1); and
- charged a customer in six minute increments on one occasion, failed to calculate or record the required minimum hourly charges for weekend moves

¹ Alternatively, if the seven falsified customer estimate forms are considered violations of WAC 480-15-630 and Tariff 15-C, instead of RCW 81.04.070, the total violations would be 31.

on 3 occasions, and included a fuel surcharge on 6 occasions, in violation of WAC 480-15-490(3).²

2 Pursuant to WAC 480-15-450, the complaint seeks an order from the Commission cancelling Best Moving's permit for good cause.

3 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington, on October 7, 2014, before Administrative Law Judge Marguerite E. Friedlander.

4 **APPEARANCES.** Brett Shearer, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).³ Ivan Ratko, *pro se*, Federal Way, Washington, represents Best Moving. Contact information for the parties' representatives is attached as Appendix A to this order.

5 **INTERVENTION.** The Commission did not receive any petitions for intervention.

6 **DISCOVERY.** The parties will rely on informal discovery and do not anticipate the need for formal discovery under WAC 480-07-400.

7 **PROCEDURAL SCHEDULE.** The parties agreed on, and the Commission adopts, the following procedural schedule:

Monday, November 17, 2014	Witness List Deadline (e-mail only)
Wednesday, December 3, 2014	Evidentiary Hearing
Monday, January 5, 2015	Simultaneous Post-Hearing Briefs

² Complaint, ¶¶ 7-55.

³ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

8 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on **Wednesday, December 3, 2014, at 9:30 a.m., in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an **original plus 3 copies** of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

10 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

11 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to <records@utc.wa.gov >. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette, a flash drive, or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

12 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus 3 paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge at mfriedla@utc.wa.gov as well as to the parties to the proceeding.

13 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.

14 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

DATED at Olympia, Washington, and effective October 8, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET TV-132030

<u>PARTY</u>	<u>REPRESENTATIVE</u>	<u>PHONE</u>	<u>E-MAIL</u>
Best Moving – Respondent	Ivan Ratko P.O. Box 3451 Federal Way, WA 98063	206-613-9559	Bestmovinganddelivery@gmail.com
Commission Staff	Brett P. Shearer Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1187	bshearer@utc.wa.gov