

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of	DOCKET TV-200518
Super Friends Moving L.L.C., d/b/a Super Friend Moving	NOTICE OF INTENT TO DENY APPLICATION
For a Permit to Operate as a Household Goods Carrier	NOTICE OF OPPORTUNITY FOR HEARING

BACKGROUND

- 1 On June 5, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 03, Initial Order Approving Settlement Agreement (Order 03), in Docket TV-190835. Order 03 approved a settlement agreement between Super Friends Moving L.L.C., d/b/a Super Friends Moving (Super Friends or Company), Commission staff (Staff), and the Public Counsel Unit of the Attorney General’s Office. As part of the settlement, Super Friends agreed to comply with the public service laws and a prior Commission order by refraining from engaging in business as a household goods carrier unless and until it obtained a permit from the Commission authorizing the Company to conduct such operations.
- 2 On June 8, 2020, Super Friends filed with the Commission an application for a household goods moving permit (Application) in the above-captioned docket. The Company filed an updated Application on July 27, 2020. Commission Staff subsequently discovered that Super Friends continues to operate as a household goods carrier without a permit, which violates both the settlement agreement and the Commission’s cease and desist order. Based on the Company’s unlawful conduct, Staff recommends the Commission deny the Company’s Application. The Commission agrees with Staff’s recommendation and provides Super Friends notice of its intent to deny its Application.

FACTUAL ALLEGATIONS

- 3 In April 2017, the Commission in Docket TV-170206 entered a stipulated order classifying Super Friends as a household goods carrier. The order required Super Friends

to “refrain permanently from further operations as a household goods carrier in the state of Washington without first obtaining the required permit.”¹

4 Super Friends later obtained a permit authorizing it to engage in business as a household goods carrier. On May 29, 2019, however, the Commission in Docket TV-190425 canceled that permit by letter after Super Friends failed to submit acceptable proof of insurance as required by the Commission’s rules.

5 In September and December 2019, Staff visited the Company’s website and requested a quote for the transport of household goods between points in Washington. On both occasions, Super Friends obliged and provided quotes offering to transport household goods between the designated points.

6 In February 2020, the Commission, through Staff, filed a complaint alleging that Super Friends violated RCW 81.80.075 and the cease-and-desist order entered in Docket TV-170206 on two occasions by engaging in business as a household goods carrier without first obtaining the necessary permit when it offered to transport household goods by motor vehicle between points in Washington.

7 In May 2020, the parties to Docket TV-190835 reached a settlement to resolve Staff’s complaint. In that settlement, Staff agreed not to oppose any application for a household goods carrier permit made by Super Friends so long as the Company, among other things, complied with the terms of the order entered in Docket TV-170206 forbidding Super Friends from engaging in business as a household goods carrier until it obtained a Commission-issued permit. A specific term in the settlement provided that “[i]f Super Friends fails to comply with the terms listed above, Staff will be free to contest any application for household goods authority filed by Super Friends based on its unlawful operations.”²

8 On June 8, 2020, Super Friends filed its Application.

9 In July and August 2020, Staff found advertisements posted by Super Friends for the transport of household goods over the public highways of Washington for compensation

¹ *In re Determining the Proper Carrier Classification of, and Complaint for Penalties Against Jacob Raich d/b/a Super Friends Moving L.L.C.*, Docket TV-170206, Order 02, 5 ¶ 21 (Apr. 26, 2017).

² *Wash. Utils. & Transp. Comm’n v. Super Friends Moving, LLC d/b/a Super Friends Moving*, Docket TV-190835, Order 03, Appx. A at 4 ¶ 7 (June 5, 2020) (as supplemented by the errata filed June 29, 2020).

on the website Thumbtack, and also advertising for its services on the Company's claimed Yelp page. Staff used the universal resource locator listed in the Thumbtack advertisement to visit the Company's website and obtain a quote for the transport of household goods over Washington's public highways for compensation.

- 10 Staff recommends that the Commission deny the Company's Application for a household goods carrier permit because Super Friends has demonstrated its unfitness by repeatedly engaging in business as a household goods carrier without holding the necessary permit.

DISCUSSION

- 11 Based on the information Staff presented, the Commission agrees with Staff's recommendation and intends to deny the Application because the Company is unfit to hold a permit.
- 12 RCW 81.80.075(3) provides that "[t]he [C]ommission must issue a permit . . . to any qualified applicant . . . if it found that: [t]he applicant is fit, willing, and able to perform the services proposed and conform to this chapter and the requirements, rules, and regulations of the [C]ommission; [and] the operations are consistent with the public interest . . . otherwise, the application must be denied."
- 13 WAC 480-15-302(13) authorizes the Commission to deny an application where "other circumstances exist that cause the [C]ommission" to do so.
- 14 The violation of a cease-and-desist order constitutes "other circumstances" that cause the Commission to deny an application for household goods carrier authority. A carrier that engages in operations despite a Commission order forbidding those operations demonstrates that it is not fit to hold a permit.³
- 15 In the settlement resolving Staff's complaint in Docket TV-190835, Super Friends agreed to abide by the terms of the cease and desist order entered against it in Docket TV-170206. Staff, in turn, agreed not to challenge any application made by the Company on fitness grounds based on the conduct at issue in the complaint in Docket TV-190835. Super Friends has breached its agreement by continuing to engage in business as a household goods carrier in violation of the cease and desist order with which it recently committed to comply. The Commission determines that the Company's numerous

³ *In re Application of Dolly, Inc.*, Docket TV-180605, Order 01 at 5 ¶ 17; 8 ¶ 26 (Feb. 14, 2019).

violations of the public service laws and the Commission's orders render it unfit to hold a permit. Accordingly, the Commission intends to deny the Application.

NOTICE

- 16 The Commission hereby provides notice of its intention to deny the Application filed by Super Friends on June 8, 2020, for failure to meet the application requirements in WAC 480-15-302(13).
- 17 **NOTICE OF OPPORTUNITY FOR HEARING.** Super Friends may request a hearing to contest the factual allegations set out in this Notice. Super Friends may request such a hearing by electronically filing a written request for a hearing with the Commission by **August 19, 2020**. The request must be directed to the attention of Mark L. Johnson, Executive Director and Secretary, Washington Utilities and Transportation Commission. The request must be electronically filed with the Commission and must reference Docket TV-200518.
- 18 If Super Friends requests a hearing by **August 19, 2020**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Super Friends does not request a hearing by that date, the Commission will enter an order denying the Application.

DATED at Lacey, Washington, and effective August 4, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



MARK L. JOHNSON
Executive Director and Secretary