

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION
1-360-664-1222**

In re Application of)
) DOCKET TV-100812
ELMER M. RODRIGUEZ, d/b/a)
ELMER'S EXPRESS DELIVERY,) ORDER 01
)
for permanent authority to operate as a) ORDER GRANTING TEMPORARY
motor carrier of household goods) AUTHORITY, SUBJECT TO
) CONDITIONS, PENDING DECISION ON
.....) PERMANENT AUTHORITY

I. SYNOPSIS

1 The Washington Utilities and Transportation Commission (Commission) grants Elmer M. Rodriguez, d/b/a Elmer's Express Delivery, (Elmer's Express Delivery or Applicant), temporary authority to provide household goods moving services on a provisional basis for at least six months. During this time, the Commission will evaluate whether the Applicant has met the criteria in WAC 480-15-330 to obtain permanent authority. The temporary authority is granted subject to the conditions outlined in this Order.

II. BACKGROUND

2 On May 10, 2010, the Applicant filed with the Commission an application requesting permanent authority to transport household goods in the state of Washington under RCW 81.80 and WAC 480-15.

3 WAC 480-15-280 requires applicants for permanent authority to operate under temporary authority on a provisional basis for at least six months. During this time, the Commission will evaluate whether the Applicant has met the criteria in WAC 480-15-330 for obtaining permanent authority.

4 The Commission is fully advised of the need for service and the qualifications of the Applicant to provide such service and makes the following findings of fact and conclusions of law.

III. FINDINGS OF FACT

5 (1) The Commission is an agency of the State of Washington, vested by statute with the authority to regulate common carriers that transport household goods in the state of Washington.

- 6 (2) Elmer's Express Delivery seeks permanent authority to transport household goods in the state of Washington.
- 7 (3) Commission Staff supports a temporary grant of authority for at least six months. During this time the Commission will evaluate whether the Applicant has met the criteria in WAC 480-15-330 for obtaining permanent authority.
- 8 (4) The Commission deems the Applicant fit, willing, and able to provide the service it proposes under temporary authority and on a provisional basis subject to the following conditions:
- (a) The Applicant must provide a copy of the customer survey questionnaire, with proper postage applied, to each customer for whom it provides household goods transportation services under the authority granted in this order.
 - (b) The Applicant must attend a Commission-sponsored training class that provides technical assistance on consumer protection rules, tariff provisions, and safety requirements before permanent authority is granted.
 - (c) The Commission may require, and the Applicant must agree to allow, periodic inspections by Commission Staff and submit any records or documents the Commission requests.
- 9 (5) The Commission finds that granting temporary authority to provide service on a provisional basis meets a public need for service, increases consumer choice, and allows the Commission to evaluate whether the Applicant has met the criteria in WAC 480-15-330 to obtain permanent authority.

IV. CONCLUSIONS OF LAW

- 10 (1) The Commission has jurisdiction over the subject matter of and all parties to this proceeding.
- 11 (2) It is consistent with the public interest to grant temporary authority and issue a permit to Elmer's Express Delivery, authorizing the transportation of household goods in the state of Washington for a period of six months. During this time the Commission will evaluate whether Elmer's Express Delivery has met the criteria in WAC 480-15-330 to obtain permanent authority.

V. ORDER

- 12 (1) The Commission grants the authority requested in the application Elmer M. Rodriguez, d/b/a Elmer's Express Delivery, filed on May 10, 2010 in Docket TV-100812, to operate as a motor carrier of household goods in the state of Washington, on a temporary basis, subject to the conditions in this Order.
- 13 (2) The grant of authority allows the Applicant an opportunity to provide service as a household goods carrier on a provisional basis for at least six months. During this time the Commission will evaluate whether the Applicant has met the criteria for obtaining permanent authority.
- 14 (3) The grant of authority is only effective while the Applicant complies with all the terms and conditions of this Order.
- 15 (4) By granting this authority, the Commission does not prejudice in any way the action it may take on the Applicant's request for permanent authority, nor whether the Applicant has met the criteria for permanent authority.
- 16 (5) The Commission may cancel the authority granted by this Order any time after the date the Commission issues a permit if it finds that any of the following conditions exist:
- (a) The temporary authority was not issued in the public interest.
 - (b) The grant of authority was based on fraud, misrepresentation, or erroneous information from the Applicant.
 - (c) The Applicant violates applicable laws or rules affecting the public health, safety, or welfare.
 - (d) The Applicant repeatedly fails or refuses to comply with applicable laws or rules pertaining to operations of household goods carriers.
 - (e) The Applicant fails to supply requested information to the Commission for the performance of its regulatory functions.
 - (f) The Commission discovers the Applicant submitted false, inaccurate or misleading information to the Commission or its Staff.
 - (g) The Applicant allows others to transport household goods under the authority granted in this Order.

- (h) The Applicant fails to comply with the conditions in this Order or with the terms of the permit.
- 17 (6) The authority granted in this order is effective until the Commission, by further order, grants, denies, or dismisses the application for permanent authority or otherwise cancels the authority granted.
- 18 The Commission has delegated authority to the Secretary to enter this Order under RCW 80.01.030 and WAC 480-07-905(1)(a).

Dated at Olympia, Washington and effective May 20, 2010.

DAVID W. DANNER
Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site.

The Commission will schedule your request for review by issuing a notice of hearing to be held before an administrative law judge. The Commission, at its discretion, may consider your request for review in an adjudicative proceeding under RCW 34.05 Part IV, or in a brief adjudicative proceeding under RCW 34.05.482 through .494. Following hearing, the administrative law judge will enter an initial order. If you wish to seek review of the initial order, you may file a petition for administrative review under RCW 34.05.464, or if the matter is heard in a brief adjudicative proceeding, under RCW 34.05.491.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3), and WAC 480-07-905, as amended effective September 22, 2008.