

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of PNW MOVING AND DELIVERY For Compliance with WAC 480-15-560 and WAC 480-15-570	DOCKET TV-200421
In the Matter of the Penalty Assessment Against PNW MOVING AND DELIVERY In the Amount of \$7,800	DOCKET TV-200419 COMMISSION STAFF'S MOTION TO CONSOLIDATE PROCEEDINGS

I. INTRODUCTION

1 The Commission's regulatory staff (Staff) recently reviewed the operations of PNW Moving and Delivery (PNW). That review spawned two dockets at the Commission. The first, Docket TV-200421, concerns whether the Commission should cancel PNW's household goods carrier permit as a result of the proposed unsatisfactory safety rating produced by that review. The second, Docket TV-200419, concerns the amount of the penalty that PNW should pay for the violations that produced the proposed unsatisfactory safety rating. Because both dockets concern the same operative set of facts, Staff moves to consolidate the two matters in the interests of administrative efficiency and economy. PNW has no objection to Staff's motion.

II. RELIEF REQUESTED

2 Staff respectfully requests that the Commission consolidate Dockets TV-200421 and TV-200419.

III. STATEMENT OF FACTS

3 Staff reviewed PNW’s compliance with state regulations¹ governing the safe
operations of household goods carriers on May 6, 2020.² In the course of its review, Staff
documented, among others, a number of critical and critical-type violations related to
PNW’s failure to: (1) perform criminal backgrounds checks on employees, (2) maintain
driver qualification files, (3) ensure that its drivers were medically certified, and (4) require
its drivers to complete records of their duty status.³ The violations disclosed by Staff’s
review resulted in a proposed unsatisfactory safety rating for PNW.⁴

4 Given the proposed unsatisfactory safety rating resulting from the review, the
Commission provided notice of its intent to cancel PNW’s household goods carrier permit in
Docket TV-200421.⁵

5 Given the number and nature of the violations that Staff documented during the
review, the Commission assessed a penalty of \$7,800 against PNW in Docket TV-200419.⁶
PNW subsequently petitioned for mitigation of that penalty.⁷

IV. STATEMENT OF ISSUES

6 Should the Commission consolidate Dockets TV-200421 and TV-200419?

¹ Two of those state regulations, WAC 480-15-560 and 480-15-570, incorporate by reference various regulations promulgated by the Federal Motor Carrier Safety Administration.

² *In re Penalty Assessment Against PNW Moving & Delivery in the Amount of \$7,800*, Docket TV-200419, Penalty Assessment, (May 19, 2020) (hereinafter “Penalty Assessment”); *in re Investigation of PNW Moving & Delivery for Compliance with WAC 480-15-560 and WAC 480-15-570*, Docket TV-200421, Notice of Intent to Cancel; Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements (May 19, 2020) (hereinafter “Notice of Intent to Deny”).

³ Penalty Assessment at 1 (enumerating the violations found by Staff); Notice of Intent to Deny, 1 ¶ 4 (noting that many of the violations are of critical or critical-type).

⁴ Notice of Intent to Deny at 1 ¶ 5.

⁵ Notice of Intent to Deny at 2 ¶ 8.

⁶ Penalty Assessment at 3.

⁷ *In re Penalty Assessment Against PNW Moving & Delivery in the Amount of \$7,800*, Docket TV-200419, Application for Mitigation, 1 (June 1, 2020).

V. EVIDENCE RELIED UPON

7 Staff relies on the record in Dockets TV-200421 and TV-200419.

VI. ARGUMENT

8 The Commission should consolidate Dockets TV 200421 and TV-200419 to allow
for the efficient resolution of all matters raised in those dockets in a single proceeding.

9 The Commission’s rules provide for the consolidation of proceedings where “the
facts or principles of law are related” between the proceedings.⁸ The Commission, however,
will decline to consolidate proceedings despite shared facts or principles of law where doing
so does not serve “judicial economy and administrative efficiency,”⁹ or where consolidation
would “unduly delay the resolution of one or all of the proceedings.”¹⁰

10 Here, consolidation is appropriate because Dockets TV-200421 and TV-200419
share facts and consolidation promotes the efficient use of the parties’ and the Commission’s
resources. Staff performed a compliance review of PNW in May 2020 and documented a
number of violations. Those violations formed the basis of both the Commission’s intent to
cancel PNW’s household goods carrier permit and its assessment of penalties against PNW.
Consolidation would allow the Commission to hold a single hearing, hear relevant testimony
once, and issue a single order. The parties would need to prepare for a single hearing and
appear only once before the Commission. The Commission should, accordingly, consolidate
the two matters in the interest of judicial economy and administrative efficiency.

⁸ *Id.* WAC 480-07-320.

⁹ *In re Determining the Proper Classification of Lowper, Inc. d/b/a Lowper Corp. a/k/a Lowper Water Co. & Iliad, Inc. d/b/a Lowper Water Sys.*, Dockets UW-091006 & UW-110213 (Consolidated), Order 02/Order 01, 2 ¶ 5 (Mar. 24, 2011).

¹⁰ *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy*, Dockets UE-111048 & UG-111049 (Consolidated) & UG-110723, Order 04, at 4 ¶ 8 (Sept. 7, 2011).

VII. CONCLUSION

Staff requests that the Commission grant its motion and consolidate Dockets TV-200421 and TV-200419.

DATED this 11th day of June 2020.

Respectfully submitted,

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