

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

Octopus Movers Services, LLC,

For Compliance with WAC 480-15-560
and WAC 480-15-570.

DOCKET TV-230199

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME
FOR ORAL STATEMENTS
(Set for May 10, 2023, at 1:30 p.m.)

- 1 Pursuant to RCW 81.80.130, the Washington Utilities and Transportation Commission (Commission) regulates the safe operation of motor freight carriers, including household goods carriers.
- 2 Octopus Movers Services, LLC, (Octopus Movers or Company) engages in business as a household goods carrier under Commission-issued permit number THG-068516.
- 3 In April 2022, the Commission's staff (Staff) reviewed Octopus Movers compliance with the laws governing household goods carriers and documented 34 critical violations of state and federal law, among other violations. The Commission issued notice of its intent to cancel Octopus Movers' provisional household goods carrier permit based on the Company's failure to obtain a satisfactory safety rating; ultimately the Commission allowed Octopus Movers to retain its operating authority after the Company submitted an approved safety management plan.¹
- 4 In March 2023, Staff completed the investigation of Octopus Movers' compliance with the safety requirements in WAC 480-15. As a result of the compliance investigation, Staff documented fourteen violations, including eight critical violations, resulting in a proposed conditional safety rating. Staff notified the Company of the proposed rating on March 20, 2023.
- 5 The Commission will grant permanent operating authority to household goods carriers that successfully complete its provisional period. Doing so requires the carrier to, among other requirements, receive a satisfactory safety rating in a review conducted by Staff. If a carrier fails to receive a satisfactory safety rating within 18 months of obtaining its provisional permit, the Commission will cancel the carrier's provisional permit and dismiss the company's application for permanent authority unless the Commission finds good cause to extend the provisional period.

¹ See Order 01 of docket TV-220274.

- 6 Under the circumstances presented in this case, the Commission determines that it will afford Octopus Movers the same opportunity as companies that have received a proposed unsatisfactory rating to provide evidence, in the form of an approved safety management plan, showing that it has taken corrective action to address the identified violations.
- 7 A carrier may request a change in its safety rating based on evidence that it has taken corrective actions to address the identified violations and that company operations currently meet the safety fitness standard specified in 49 C.F.R. § 385.5 and § 385.7.
- 8 Octopus Movers must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than May 19, 2023. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective May 20, 2023. Thereafter, as an unregistered company, Octopus Movers would be prohibited from providing household goods carrier services in the state of Washington.
- 9 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of Octopus Movers to provide services as a household goods carrier effective May 20, 2023, for cause, following a hearing on the factual allegations set out above, unless Octopus Movers obtains Commission approval of a safety management plan prior to that date.**
- 10 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel Octopus Movers' household goods carrier permit.
- 11 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 1:30 p.m., on May 10, 2023. To participate by phone, call (253) 215-8782 and enter the Meeting ID: 872 6199 1533# and Passcode 158362#. To attend via Zoom, please use the following link: [Click to join meeting](#).**
- 12 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.
- 13 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Lacey, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

- 14 **Octopus Movers must submit its proposed safety management plan no later than 5 p.m. on April 26, 2023.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5 p.m. on May 3, 2023**, and provide any such documents to Staff counsel and the presiding offer by email by **5 p.m. on May 3, 2023**.
- 15 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 16 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and Transportation
Commission
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Josephine Strauss
Assistant Attorney General
P.O. Box 47250
Olympia, WA 98504-7250
(360) 709-4850
Josephine.strauss@atg.wa.gov

Respondent: Alberto Moreno Mendoza
3511 S Ronald Dr.
Seattle, WA 98118
(206)551-4706
octopumoversservices@gmail.com

- 17 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.²

DATED at Lacey, Washington and effective April 6, 2023

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

² Judge Pearson can be reached by email at rayne.pearson@utc.wa.gov or by phone at (360) 1136.

Amanda Maxwell
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, 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.

If you need an interpreter, or have other special needs, please fill out and return this form to:

Washington Utilities and Transportation Commission
Attention: Mark L. Johnson
P.O. Box 47250
Olympia, WA 98504-7250

(PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

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

Name: _____

Address: _____

Phone (_____) _____