

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TV-230641
SUNNY SIDE MOVING LLC, d/b/a TWO MEN AND A TRUCK	ORDER 01
For Exemption From Provisions of WAC 480-15-302(11); For a Permit to Operate as a Household Goods Carrier	GRANTING PETITION FOR EXEMPTION; GRANTING APPLICATION FOR HOUSEHOLD GOODS PERMIT

BACKGROUND

- 1 On January 12, 2023, the Washington Utilities and Transportation Commission (Commission) cancelled the household goods permit held by Sunny Side Moving LLC d/b/a Two Men and a Truck (Sunny Side or Company) for failure to file annual reports and failure to pay regulatory fees (TV-220874 Order 01) as required by WAC 480-15-480.
- 2 The Company became aware that its household goods permit was canceled on July 31, 2023. Sunny Side immediately contacted the Commission to request instructions on filing the delinquent annual reports, paying fines and penalties, and reinstating its household goods permit. On August 1, 2023, Sunny Side submitted the two missing annual reports and paid regulatory fees, late fees, and interest.
- 3 Commission staff (Staff) informed Sunny Side that because it failed to contest the cancellation or seek permit reinstatement within 30 days, the Company is prohibited by the terms of WAC 480-15-302(11) from reapplying for operating authority for 12 months from the date its permit was cancelled.
- 4 On August 8, 2023, Sunny Side filed an Application for Reinstatement (Application) and a Petition for Exemption from WAC 480-15-302(11) (Petition) with the Commission. In accordance with RCW 81.80.075(2), applications must be on file with the Commission for at least 30 days before issuance.
- 5 Sunny Side explains in its Petition that the Company failed to file its annual reports for 2021 and 2022 due to a miscommunication between its general manager and accounting department. As soon as the Company became aware of its failure, it took immediate steps

to comply with all Commission requirements. Sunny Side has updated its processes to ensure the annual reports will not be neglected in the future.

6 The Commission issued the original provisional household goods permit on January 3, 2019 and approved permanent authority on July 29, 2020. Staff has no knowledge of any issues or complaints against the Company. Sunny Side has completed all missing annual reports and paid all outstanding fees and interest.

7 Staff submits that Sunny Side's Application will be considered in all aspects an application for new authority as required by WAC 480-15-540(4)(b). The Company submitted a complete application in compliance with WAC 480-15-302. Upon approval of the Application, the Commission will issue a reinstated temporary household goods permit. Staff does not have any concerns about the Company's fitness to operate and supports the Company's request to reinstate its household goods permit.

DISCUSSION

8 We grant the Company's request for an exemption from WAC 480-15-302(11), and thus grant the Application, for the reasons discussed below.

9 WAC 480-07-110 provides that the Commission "in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes."

10 Under WAC 480-07-110(2)(c), the Commission applies the public interest standard to determine whether to grant a requested exemption. Factors we may consider include whether the rule imposes an undue hardship on the requesting person of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule to the requesting person would be contrary to the underlying purposes of the rule and the public interest.

11 We find that it would be contrary to the public interest to deny the Exemption, and therefore the Application, when the owner is fully capable to operate a permitted household goods company. The rules in WAC 480-15-302(11) are designed to determine a company's fitness to operate as a household goods carrier. Healthy small businesses are essential to the overall strength of the state's economy. Staff has stated it has no concerns with the Company's fitness to operate and recommends approving the Application.

Penalizing a small business which has corrected the cause of its permit cancellation would be contrary to the stated public goal of creating “sound economic conditions” for household goods carriers. Therefore, granting the exemption does not run contrary to the underlying purposes of the rule or the public interest.

12 For the reasons explained above, the Commission finds that granting the Application is consistent with the purposes underlying regulation, applicable statutes, and the public interest. Accordingly, we conclude that the exemption should be granted, and that the Company’s Application should be approved 30 days from the application filing date in accordance with RCW 81.80.075(2).

FINDINGS AND CONCLUSIONS

- 13 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property, and affiliated interest transactions of public service companies, including household goods companies.
- 14 (2) Sunny Side is a household goods company subject to Commission jurisdiction.
- 15 (3) On January 12, 2023 the Commission cancelled the household goods carrier permit held by Sunny Side for failure to file annual reports and failure to pay regulatory fees (TV-220874 Order 01) as required by WAC 480-15-480.
- 16 (4) The Company did not contest the cancellation or seek reinstatement of its permit within 30 days, as required by WAC 480-15-450(4). On August 8, 2023, Sunny Side filed with the Commission a petition for exemption from WAC 480-15-302(11) and an Application for the reinstatement of its household goods carrier permit, approximately seven months after the 30-day deadline.
- 17 (5) Staff supports the Company’s request for exemption and recommends the Company’s permit be reinstated.
- 18 (6) WAC 480-07-110 provides that the Commission “in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes.”

- 19 (7) Granting the Petition for exemption from WAC 480-15-302(11) is consistent with
the public interest, the purposes underlying regulation, and applicable statutes.
- 20 (8) Staff has no concerns with the Company's fitness to operate.
- 21 (9) This matter came before the Commission at its regularly scheduled meeting on
August 24, 2023.
- 22 (10) Granting the Company's Petition for exemption from WAC 480-15-302(11) is
consistent with the public interest, the purposes underlying regulation, and
applicable statutes.
- 23 (11) Because Staff does not have any concerns about the Company's fitness to operate
and supports the Company's request to reinstate its household goods permit, the
Company's Application should be granted.

ORDER

THE COMMISSION ORDERS:

- 24 (1) Sunny Side Moving LLC d/b/a Two Men and a Truck's petition for exemption
from WAC 480-15-302(11) is granted.
- 25 (2) Sunny Side Moving LLC d/b/a Two Men and a Truck's Application for authority
to operate as a household goods carrier is granted, effective September 7, 2023 per
RCW 81.80.075(2).
- 26 (3) The Commissioners, having determined this Order to be consistent with the public
interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective August 24, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary