



ATTORNEY GENERAL OF WASHINGTON

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September 21, 2021

SENT VIA WUTC WEB PORTAL

Amanda Maxwell
Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

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State Of WASH.
UTIL. AND TRANSP.
COMMISSION

Re: Clutter's Amended Petition to Revise Tariff 15-C and for Exemption from Certain Provisions of Tariff 15-C and WAC 480-07, Docket TV-210535

Dear Amanda Maxwell:

The Public Counsel Unit of the Washington State Attorney General's Office ("Public Counsel") respectfully submits these comments in advance of the September 30, 2021, Open Meeting. These comments address Clutter, Inc.'s amended petition to revise Tariff 15-C and for exemption from certain provisions of Tariff 15-C and WAC 480-07. Clutter is seeking exemptions related to its moves involving storage services.

Public Counsel's Recommendation

Public Counsel recommends that the Commission approve Clutter's exemptions from Tariff 15-C and WAC 480-07 only as to moving services with a storage contract and that it set these exemptions to expire April 1, 2022.

Exemptions to Commission rules are allowed in limited circumstances. WAC 480-15-035 authorizes the Commission to grant exemptions "when doing so is consistent with the public interest, the purposes of underlying regulation, and applicable statutes." WAC 480-07-110(2)(c) states that:

[t]he commission uses the public interest standard to determine whether to grant an exemption from, or modification to, a commission rule. Factors the commission may consider in making this determination 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

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applying the rule to the requesting person would be contrary to the underlying purposes of the rule and the public interest.

Public Counsel believes Clutter's petition for exemption is reasonable. Clutter has stated that most of their moves are in concert with a storage contract. We recommend that the Commission approve the exemptions related to the operation of Clutter's core business. Storage services are not regulated by the UTC, and Public Counsel believes that it is in the public interest, consistent with the factors mentioned in WAC 480-07-110(2)(c), to allow the Company limited exemptions to operate while the Commission conducts a broader revision of Tariff 15-C. We believe that the Commission should include language in its order specifically limiting Clutter's exemptions from Tariff 15-C and WAC 480-07 to moving services with a storage contract.

Public Counsel believes that it is reasonable that the exemptions expire on April 1, 2022. This should provide enough time for the Commission to evaluate whether and how to revise Tariff 15-C. We believe that the revision process for Tariff 15-C is important and should also include an examination of other issues important to the household goods moving industry, including the use of independent contractors as previously discussed in Docket TV-200348.

Public Counsel appreciates the work of UTC Commission Staff and the Company in listening to our earlier concerns and offering amendments to their original petition. We support the recommendations of UTC Commission Staff regarding this amended petition and look forward to participating in the revision process for Tariff 15-C.

Public Counsel appreciates the opportunity to submit these comments. If you have any questions about this filing, please contact Stephanie Chase at (206) 521-3212 or via e-mail at Stephanie.Chase@ATG.WA.GOV or Shay Bauman at (206) 389-3040 or via e-mail at Shay.Bauman@ATG.WA.GOV.

Sincerely,

/s/ 

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