

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of  AMAZING MOVERS 360 LLC  for Compliance with WAC 480-15-560 and WAC 480-15-570	DOCKETS TV-210752 and TV-210753 <i>(Consolidated)</i>  INITIAL ORDER 01  CONSOLIDATING DOCKETS; APPROVING SAFETY MANAGEMENT PLAN; EXTENDING PROVISIONAL PERIOD; CANCELING BRIEF ADJUDICATIVE PROCEEDING
In the Matter of the Penalty Assessment Against  AMAZING MOVERS 360 LLC  in the Amount of \$1,300	

**BACKGROUND**

- 1 On October 20, 2021, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements in the Matter of the Investigation of Amazing Movers 360 LLC (Amazing Movers or the Company) for Compliance with Washington Administrative Code (WAC) 480-15-560 and WAC 480-15-570 (Notice).
- 2 The Notice explained that Commission staff (Staff) conducted a compliance review of Amazing Movers' operations between August and September 2021 and cited the Company for nine critical violations of federal and state safety regulations, resulting in a conditional safety rating. Based on its review, Staff recommends the Commission cancel Amazing Movers' household goods carrier permit unless the Company obtains Commission approval of a safety management plan. The Notice directed Amazing Movers to file a proposed safety management plan by November 4, 2021. The Commission also set a brief adjudicative proceeding for November 18, 2021, at 9:30 a.m.

**Pursuant to RCW 80.01.060(3)  
This packet is the final  
Order in this docket.**

to determine whether the Commission should cancel Amazing Movers' household goods carrier permit.

3 On October 15, 2021, the Commission assessed a \$1,300 penalty (Penalty Assessment) in Docket TV-210753 against Amazing Movers for the safety violations discovered during Staff's compliance review. The Penalty Assessment includes:

- a \$700 penalty for 7 critical violations of 49 C.F.R. § 395.45(a) for using a driver not medically examined and certified;
- a \$100 penalty for 2 violations of 49 C.F.R. § 391.51(b)(2) for failing to maintain inquiries into driver's driving record in driver's qualification file;
- a \$100 penalty for 1 out-of-service violation of 49 C.F.R. § 396.3(a)(1) for having a vehicle with a left front axle brake out of adjustment;
- a \$100 penalty for 2 critical violations of 49 C.F.R. § 396.3(b) for failing to keep minimum records of inspection and vehicle maintenance; and
- a \$300 penalty for 3 critical violations of WAC 480-15-555 for failing to conduct or retain paperwork containing criminal background checks prior to hiring an employee.

4 On October 19, 2021, Amazing Movers paid the \$1,300 penalty amount in full.

5 On November 1, 2021, Amazing Movers submitted a proposed safety management plan.

6 On November 2, 2021, Staff filed with the Commission its evaluation of the Company's safety management plan (Evaluation). Staff determined, based on its review of the Company's proposed plan, that the Company took all of the required steps to bring its safety operations into compliance with Commission regulations. Staff recommends that the Commission upgrade the Company's safety rating to conditional, but also extend the Company's provisional permit period until such time as the Company is able to achieve a satisfactory safety rating. Staff also communicated in its Evaluation that the Company had agreed to waive its right to a hearing and recommended the Commission cancel the brief adjudicative proceeding scheduled for November 18, 2021.

## DISCUSSION AND DECISION

### 1. Consolidation

7 Because the violations cited in Staff's investigation conducted between August and September 2021 gave rise to the enforcement actions taken in both dockets, the

Commission exercises its discretion to consolidate these proceedings. Accordingly, Docket TV-210752 and Docket TV-210753 are consolidated.

## 2. Safety Rating

- 8 Washington Law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff’s April 2019 compliance review of Amazing Movers found 14 violations of critical safety regulations, including WAC 480-15-555, 49 C.F.R. § 391.45(a), 391.51(b)(2), and 396.3(b), which resulted in a proposed conditional safety rating. Violations classified as “critical” are indicative of a breakdown in a carrier’s management controls. Patterns of noncompliance with a critical regulation are quantitatively linked to inadequate safety management controls and usually higher-than-average accident rates.
- 9 On October 19, 2021, the Company submitted its proposed safety management plan. Staff determined that Amazing Movers’ safety management plan addresses each violation, identifies how each violation occurred, describes the steps taken to correct each violation, and put controls in place to ensure compliance going forward. Staff concludes that Amazing Movers’ safety management plan is acceptable and satisfies the legal requirements of 49 CFR Part 385. We agree.
- 10 Based on Staff’s Evaluation, the Commission finds that the Company has achieved compliance with Chapter 480-15 WAC by correcting the violations that led to the proposed conditional safety rating. Accordingly, the Commission agrees with Staff’s recommendation and will refrain from cancelling Amazing Movers’ permit.
- 11 We likewise agree with Staff’s recommendation to extend the Company’s provisional period for its household goods carrier permit. Prior to a grant of permanent authority, an applicant must complete a provisional period of not less than six months and not more than 18 months unless the Commission determines for good cause that the provisional period should be extended.<sup>1</sup> Good cause may include, among other things, a carrier that has not yet achieved a satisfactory safety rating but is making substantial progress toward a satisfactory rating. Here, the Company has corrected the violations at issue and demonstrated that it has taken significant steps to ensure its operations comply with applicable safety regulations. Accordingly, the Commission finds good cause to extend

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<sup>1</sup> WAC 480-15-305(1)(b).

the Company's provisional period until such time as the Company achieves a satisfactory rating.

### 3. Penalty

12 Violations discovered during safety inspections are subject to penalties of \$100 per violation.<sup>2</sup> In some cases, Commission requirements are so fundamental to safe operations that the Commission will issue penalties for first-time violations.<sup>3</sup> Critical violations meet this standard.<sup>4</sup>

13 The violations discovered by Staff during August-September 2021 resulted in penalties of \$1,300. The Company does not contest the violations. The Company promptly addressed the violations and submitted its \$1,300 payment in full on October 19, 2021. We, therefore, find that the Company has satisfied its obligations as to the assessed penalty.

### FINDINGS AND CONCLUSIONS

14 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.

15 (2) Amazing Movers is a household goods carrier subject to Commission regulation.

16 (3) Amazing Movers committed 15 violations of WAC 480-15 and Title 49 C.F.R., including 14 critical safety violations.

17 (4) Amazing Movers does not dispute that the violations occurred.

18 (5) Amazing Movers cured the deficiencies that led to the proposed conditional safety rating and submitted a safety management plan addressing the controls it has put in place to ensure the Company maintains compliance. Accordingly, Amazing

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<sup>2</sup> See RCW 80.04.405.

<sup>3</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶ 12, 15 (Jan. 7, 2013) (Enforcement Policy).

<sup>4</sup> 49 C.F.R. § 385, Appendix B.

Movers' safety management plan should be approved, and the Company's permit should not be cancelled.

- 19 (6) Pursuant to WAC 480-15-305(1)(b), the Commission should find good cause to extend Amazing Movers' provisional period until such time as the Company achieves a satisfactory safety rating.
- 20 (7) Amazing Movers has already submitted payment in full of the \$1,300 Penalty Assessment.
- 21 (8) Staff's August-September 2021 investigation gave rise to the enforcement actions taken in both Docket TV-210752 and Docket TV-210753. Accordingly, the Commission should exercise its discretion to consolidate the proceedings.
- 22 (9) The Company has waived its right to a hearing and in light of our findings in these consolidated proceedings, the Commission should cancel the brief adjudicative proceeding set for November 18, 2021, as requested by the Parties.

### ORDER

#### THE COMMISSION ORDERS:

- 23 (1) Docket TV-210752 and Docket TV-210753 are consolidated.
- 24 (2) Amazing Movers 360 LLC's safety management plan is approved.
- 25 (3) Amazing Movers 360 LLC's provisional period is extended until such time as the Company achieves a satisfactory safety rating.
- 26 (4) The brief adjudicative proceeding in these matters is cancelled.

DATED at Lacey, Washington, and effective November 3, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O'Connell*  
ANDREW J. O'CONNELL  
Administrative Law Judge

### NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order and you would like the Order to become final before the time limits expire, you may send a letter to the Commission waiving your right to petition for administrative review.

WAC 480-07-610(7) provides that any party to this proceeding has 21 days after service of this initial order to file a petition for administrative review (Petition). Section (7)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-610(7)(c) states that any party may file a response to a Petition within 7 days after service of the Petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence that is essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will give other parties in the proceeding an opportunity to respond to a motion to reopen the record, unless the Commission determines that it can rule on the motion without hearing from the other parties.

WAC 480-07-610(9) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission does not exercise administrative review on its own motion.

Any Petition or response must be electronically filed through the Commission's web portal, as required by WAC 480-07-140(5).