

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of	)	DOCKET TV-143891
	)	
MICHAEL GARY POWERS d/b/a	)	ORDER 01
MIKE’S MOVING AND HAULING	)	
	)	ORDER DENYING APPLICATION
for a permit to operate as a motor	)	FOR PERMANENT AUTHORITY
carrier of household goods.	)	
.....	)	

**INTRODUCTION**

- 1 **Procedural History.** On November 14, 2014, Michael Gary Powers d/b/a Mike’s Moving and Hauling (Mike’s Moving or Company) filed with the Washington Utilities and Transportation Commission (Commission) an application requesting permanent authority to operate as a household goods carrier in the state of Washington under RCW 81.80 and WAC 480-15 (Application). Mr. Powers, the company’s owner, signed the Application.
  
- 2 Commission Staff reviewed the Application, as well as a criminal history report, issued by the Washington State Patrol Identification and Criminal History Section, and recommends that the Commission deny the Application for the following reasons: 1) a background check of Mr. Powers revealed that he has a criminal history spanning at least 12 years from 1998 to 2010 with 16 convictions for crimes, including theft, assault, domestic violence, obstructing a law enforcement officer, making false or misleading statements, as well as multiple driving violations for both driving with a license suspended or revoked and driving under the influence, and 2) Mr. Powers’ disregard for Commission rules by continuing to advertise and offer to transport household goods without authority from the Commission.
  
- 3 **Notice of Intent to Deny Application.** On December 10, 2014, the Commission issued a notice of its intention to deny the Application for failure to meet the application requirements of RCW 81.80 and WAC 480-15. Paragraphs 10-12 of the Notice set forth Staff’s factual allegations supporting the proposed denial of the application. The Notice also provided Mike’s Moving with an opportunity to request a hearing by December 30, 2014. Mike’s Moving did not request a hearing or otherwise respond to the Notice.

- 4 **Applicable Law.** RCW 81.80.075(1) requires the Commission to issue a household goods permit to any qualified applicant found to be fit, willing, and able to perform the services proposed and conform to the applicable laws, requirements, rules, and regulations of the Commission. WAC 480-15-302 explains that the Commission may deny applications when the application indicates evidence of fraud, misrepresentation or erroneous information, or when other circumstances cause the Commission to believe issuing a permit is not in the public interest.

### **DISCUSSION**

- 5 Staff's investigation reveals that Mr. Powers has a history of criminal violations that render him unfit to operate as a household goods carrier and that he is disregarding Commission rules by operating as a household goods carrier without authority. The Company does not dispute these findings, which constitute sufficient grounds to deny the Application. Accordingly, the Commission denies that Application.

### **ORDER**

THE COMMISSION ORDERS THAT:

- 6 The application filed by Michael Gary Powers d/b/a Mike's Moving and Hauling on November 14, 2014, in Docket TV-143891 for a permit to operate as a household goods carrier in the state of Washington is denied.
- 7 The Commission has delegated authority to the Secretary to enter this Order under RCW 80.01.030 and WAC 480-07-905(1)(k).

DATED at Olympia, Washington, and effective January 8, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

**NOTICE TO PARTIES:** This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.