

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

SUPERHEROES MOVING AND  
STORAGE LLC d/b/a SUPERHEROES  
MOVING AND STORAGE; RYAN'S  
MOVING SERVICE

For Exemption From Provisions of WAC  
480-15-302(11); For a Permit to Operate as  
a Household Goods Carrier

DOCKET TV-210935

ORDER 01

GRANTING PETITION FOR  
EXEMPTION; GRANTING  
APPLICATION FOR HOUSEHOLD  
GOODS PERMIT

**BACKGROUND**

- 1 On July 26, 2021, the Washington Utilities and Transportation Commission (Commission) cancelled the provisional household goods permit held by Superheroes Moving and Storage LLC d/b/a Superheroes Moving and Storage; Ryan's Moving Service (Superheroes or Company) for failure to submit acceptable proof of insurance.
- 2 On December 2, 2021, in response to an inquiry about the reinstatement process, Commission staff (Staff) advised Superheroes that because the Company had failed to contest the cancellation or seek reinstatement of its permit 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.
- 3 On December 6, 2021, included with its Application, Superheroes filed with the Commission a petition for exemption from WAC 480-15-302(11) (Petition). In accordance with RCW 81.80.075(2), applications must be on file with the Commission for at least 30 days before issuance.
- 4 Superheroes explains in its Petition that the Company's previous insurance carrier cancelled its policy due to multiple claims. Two claims were due to their truck hitting low hanging tree branches and one claim relates to non-vehicular damage to a customer's flooring.
- 5 Prior to the Company submitting its Petition and Application, Superheroes purchased both Commercial Automobile Liability and Cargo insurance policies from the Mutual of

Enumclaw Insurance Company which became effective on November 23, 2021. The Mutual of Enumclaw Company is admitted by the Office of the Insurance Commissioner to write such policies within the state of Washington.

6 Staff does not oppose the Company's request for an exemption. Though the Company only operated between January 10, 2020, and July 26, 2021, Superheroes was able to obtain insurance from an admitted insurance company, thereby meeting the insurance requirements of WAC 480-15-530. 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

7 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.

8 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."

9 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.

10 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 economic recovery, particularly during the COVID-19 pandemic. Staff has stated it has no concerns with the Company's fitness to operate and recommends approving the Application. Penalizing a small business for a relatively minor defect in its Application 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.

11 For the reasons explained above, the Commission finds that granting the Permit 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

- 12 (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.
- 13 (2) On July 26, 2021, the Commission cancelled the household goods carrier permit  
held by Superheroes for failure to submit acceptable proof of insurance.
- 14 (3) 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 December 6, 2021,  
Superheroes 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, more than three months after the 30-day deadline.
- 15 (4) Staff supports the Company's request for exemption and recommends the  
Company's permit be reinstated.
- 16 (5) 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."
- 17 (6) Granting the Petition for exemption from WAC 480-15-302(11) is consistent with  
the public interest, the purposes underlying regulation, and applicable statutes.
- 18 (7) Staff has no concerns with the Company's fitness to operate.

- 19 (8) This matter came before the Commission at its regularly scheduled meeting on December 23, 2021.
- 20 (9) 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.

**ORDER**

**THE COMMISSION ORDERS:**

- 21 (1) Superheroes Moving and Storage, LLC's petition for exemption from WAC 480-15-302(11) is granted.
- 22 (2) Superheroes Moving and Storage, LLC's Application for authority to operate as a household goods carrier is granted, effective January 5, 2022, in accordance with RCW 81.80.075(2).
- 23 (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 December 23, 2021

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL  
Executive Director and Secretary