

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of CLUTTER, INC., Petitioner, Seeking extension of Exemptions from Tariff 15-C and certain provisions of WAC 480-15	DOCKET TV-210535 ORDER 04
In the Matter of the Petition of WASHINGTON MOVERS CONFERENCE, Petitioner, Seeking Exemptions from tariff 15-C and certain provisions of WAC 480-15	DOCKET TV-210812 ORDER 02 GRANTING REQUEST TO EXTEND ORDER 01 EXEMPTIONS FROM TARIFF 15- C AND COMMISSION RULES

BACKGROUND

- 1 On July 2, 2021, Clutter, Inc., (Clutter or Company) filed a petition with the Washington Utilities and Transportation Commission (Commission) to revise Tariff 15-C and for temporary exemption from certain provisions of Chapter 480-15 Washington Administrative Code (WAC) and Tariff 15-C in Docket TV-210535. On August 30, 2021, Clutter filed an amended petition additionally requesting an exemption from certain provisions of Tariff 15-C and WAC 480-15 (Amended Petition).
- 2 On October 14, 2021, the Commission issued Order 01, Granting Exemptions from Tariff 15-C and Commission Rules (Order 01). Order 01 granted Clutter an exemption from WAC 480-15 and Tariff 15-C, effective until May 1, 2022, and required Commission staff (Staff) to begin conducting a review of Tariff 15-C.
- 3 On February 22, 2022, Staff issued a Notice of Consolidation of Dockets TV-210535 and TV-210812, and Notice Opportunity to File Comments due by March 25, 2022, exploring possible revisions or amendments to Tariff 15-C.

- 4 On April 15, 2022, Staff issued a Notice of Workshop scheduled for May 5, 2022, to discuss possible revisions and amendments to Tariff 15-C.
- 5 On April 20, 2022, Clutter filed a motion to extend the exemption granted in Order 01, and on April 28, 2022, the Commission entered Order 02, Granting Extension of Order 01 Exemption from Tariff 15-C and Commission Rules (Order 02), which granted an extension of the exemptions granted in Order 01 until the earlier of: (1) December 31, 2022, (2) the date the Commission ends the investigation into Tariff 15-C, or (3) the effective date of new rules or amendments to Tariff 15-C.
- 6 On November 29, 2022, the Company filed a motion requesting further extension of the exemption until March 31, 2023, or until Staff completes its review of Tariff 15-C, whichever occurs sooner (Motion).
- 7 Staff is currently reviewing cost data submitted by the Washington Movers Conference (WMC) on October 18, 2022, in these consolidated dockets, and has not completed its review of Tariff 15-C. Staff recommends granting Clutter's Motion to allow Staff adequate time to complete its review.
- 8 This matter came before the Commission at the Commission's open meeting on December 22, 2022. At the open meeting, Staff reiterated that the extension would allow Staff the time needed to complete its review of Tariff 15-C, which it believes will be completed by the end of March 2023. Staff stated that the process had been prolonged by internal staffing shortages.
- 9 James Tutton, representing WMC; Larry Nelson of Hanson Bros. Moving & Storage and President of WMC; and Steven Galvagno, President of AirVan Moving & Storage commented at the open meeting in opposition to the proposed extension. James Tutton asserted that the tariff changes requested by Clutter in the Amended Petition are not in the interest of the public or WMC and that prolonging the requested extension drags out an already extended unnecessary process to the detriment of WMC members. Larry Nelson objected to Clutter's operations in general, to the requested changes to the existing tariff, and to waiting for approval of an increase in allowed rates while Staff completes the review of Tariff 15-C. Steven Galvagno protested any extension of the process that delays the process of an update to the tariff that would allow small companies to increase their rates to account for inflation and allow them to give employee raises and cover costs.

10 Chad Stokes, on behalf of Clutter, commented and stated that the exemption at issue in is simply an extension of the exemption granted in Order 01, which relates to unregulated services and does not affect the review of Tariff 15-C or involve services provided by the WMC members.

11 Stephanie Chase, on behalf of Public Counsel (PC), stated that PC supports the extension as a procedural issue, reserving comment on the underlying issue of the review of Tariff 15-C until a draft of the tariff is distributed for comment.

12 Staff responded to comments by stating that the Commission had granted a temporary rate increase to household goods movers in May 2022, as a supplement to Tariff 15-C, which should have alleviated some of the concerns of the household goods companies regarding the delay.

DISCUSSION

13 We grant the Company's Motion and its request for an extension effective until the earlier of: (1) March 31, 2023, (2) the date the Commission ends the investigation into Tariff 15-C, or (3) the effective date of new rules or amendments to Tariff 15-C. We conclude that granting Clutter certain exemptions until the Commission completes its review and possible modifications to Tariff 15-C for companies providing household goods moves with contracts for storage services is consistent with the public interest. The requested exemptions benefit consumers without competitively disadvantaging other regulated household goods carriers.

14 Pursuant to WAC 480-15-035, the Commission may grant an exemption to any rule pertaining to household goods carriers "when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes."¹

15 Clutter's Amended Petition is primarily concerned with the requirements of the industry-wide Tariff 15-C. The Commission publishes Tariff 15-C for regulated household goods carriers.² Pursuant to WAC 480-15-490(3), all household goods carriers are required to follow the terms, conditions, rates, and other requirements of the tariff.

16 By this Order, however, we neither resolve Clutter's concerns with Tariff 15-C nor require the Company to file an individual tariff. For the present time, we conclude it is

¹ Accord WAC 480-07-110.

² See generally *In the Matter of Amending Washington Utilities and Transportation Commission Tariff 15-C, Relating to Intrastate Transportation of Household Goods*, Docket TV-210326, Order 01 (July 29, 2021) (approving revisions to Tariff 15-C effectively July 30, 2021).

both consistent with the public interest and sufficient to grant the Company an extension for its exemptions granted in Order 01 and extended by Order 02 of Docket TV-210535.

FINDINGS AND CONCLUSIONS

- 17 (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, and affiliated interests of public service companies, including household goods carriers.
- 18 (2) Clutter is engaged in the business of providing household goods services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 19 (3) Clutter is subject to WAC 480-15-490(3), which requires household goods companies to follow the terms, conditions, rates, and other requirements of the published tariff.
- 20 (4) Under WAC 480-15-035, the Commission may grant an exemption from the provisions of any rule in WAC 480-15, if consistent with the public interest, the purposes underlying regulation and applicable statutes. See also WAC 480-07-110.
- 21 (5) This matter came before the Commission at its regularly scheduled meeting on December 22, 2022.
- 22 (6) After reviewing the Motion filed in Docket TV-210535 by Clutter on November 29, 2022, and giving due consideration, the Commission finds that the requested extension of exemptions, as set forth in Order 01 in this Docket, is consistent with the public interest, the purposes underlying the regulation, and applicable statutes, and that it should be granted.

ORDER

THE COMMISSION ORDERS:

- 23 (1) Clutter, Inc.'s Motion is Granted, and the Company is granted an extension of its exemptions from WAC 480-15-490 and Tariff 15-C, as previously set forth in Order 01 of this docket.
- 24 (2) The exemptions granted to Clutter, Inc., by Order 01 in this Docket are extended

until the earlier of: (1) March 31, 2023, (2) the date the Commission ends the investigation into Tariff 15-C, or (3) the effective date of new rules or amendments to Tariff 15-C.

- 25 (3) The Commission retains jurisdiction over the subject matter and Clutter, Inc., to effectuate the provisions of this Order.

Dated at Lacey, Washington, and effective December 22, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner

MILTON H. DOUMIT, Commissioner