

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of VINCENT CARROLL, LLC, D/B/A VINCENT PRO MOVING, For Compliance with WAC 480-15-560 and WAC 480-15-570	DOCKETS TV-200652 and TV-200653 ORDER 01
In the Matter of the Penalty Assessment against VINCENT CARROLL, LLC, D/B/A VINCENT PRO MOVING, in the amount of \$5,200	CANCELING BRIEF ADJUDICATIVE PROCEEDING; WITHDRAWING PENALTY

BACKGROUND

- 1 On July 20, 2020, the Washington Utilities and Transportation Commission (Commission) issued and served a Penalty Assessment in the amount of \$5,200 against Vincent Carroll, LLC, d/b/a Vincent Pro Moving, (Vincent Pro Moving or Company) in Docket TV-200653 for failure to comply with safety regulations in Washington Administrative Code (WAC) 480-15.
- 2 On July 28, 2020, the Commission issued a Notice of Intent to Cancel Household Goods Carrier Permit and Notice of Brief Adjudicative Proceeding (Notice) in Docket TV-200652. The Notice informed Vincent Pro Moving of the Commission's intent to cancel the Company's household goods carrier permit due to the violations of Commission safety regulations cited in the Penalty Assessment. The Notice scheduled a brief adjudicative proceeding (BAP) for September 3, 2020, at 9:30 a.m.
- 3 On August 27, 2020, Commission staff (Staff) filed with the Commission a Motion to Cancel Brief Adjudicative Proceeding and Motion to Dismiss Penalty Assessment without Prejudice (Motion). In its Motion, Staff explains that a portion of the safety violations in both the Penalty Assessment and Notice were cited in error. Specifically, Staff discovered that the Company's vehicle does not meet the weight threshold for commercial vehicles.
- 4 Staff further explains in its Motion that the corrected violations will not impact the Company's safety rating. Accordingly, Staff no longer seeks to cancel the Company's

household goods permit. Staff requests the Commission cancel the BAP scheduled for September 3, 2020.

DISCUSSION AND DECISION

5 We grant Staff's Motion to cancel the BAP and withdraw the Penalty Assessment. Once the Commission has issued a notice of hearing, a party must request permission to withdraw the underlying complaint on which the proceeding is based.¹ Because a portion of the violations discovered during Staff's compliance review were cited in error, the Commission finds good cause to withdraw the Penalty Assessment in Docket TV-200653. The Commission will issue a new Penalty Assessment that assesses penalties only for those violations that were cited correctly. The Commission also finds good cause to cancel the BAP in Docket TV-200652 because Staff no longer seeks to cancel the Company's household goods permit.

ORDER

THE COMMISSION ORDERS THAT:

- 6 (1) The \$5,200 penalty assessed against Vincent Carroll, d/b/a Vincent Pro Moving, in Docket TV-200653 is withdrawn.
- 7 (2) The brief adjudicative proceeding in Docket TV-200652 set for September 3, 2020, at 9:30 a.m. is canceled.

DATED at Lacey, Washington, and effective September 1, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Samantha Doyle
SAMANTHA DOYLE
Administrative Law Judge

¹ WAC 480-07-380(3)(a).

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).