

**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

In the Matter of the Petition of

WASHINGTON MOVERS
CONFERENCE,

Petitioner,

Seeking Extension of Exemptions from
Tariff 15-C and certain provisions of WAC
480-15

DOCKET TV-210535

ORDER 05

DOCKET TV-210812

ORDER 03

GRANTING EXTENSION OF
ORDER 01 EXEMPTIONS FROM
TARIFF 15-C AND COMMISSION
RULES

BACKGROUND

- 1 On July 2, 2021, Clutter, Inc., (Clutter or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition to revise Tariff 15-C and for temporary exemption from certain provisions of Chapter 480-15 Washington Administrative Code (WAC) and Tariff 15-C.
- 2 On August 30, 2021, Clutter filed an amended petition to revise Tariff 15-C and for exemption from certain provisions of Tariff 15-C and WAC 480-15 (Amended Petition).¹
- 3 On October 14, 2021, the Commission issued Order 01, granting Clutter an exemption from WAC and Tariff 15-C, effective until May 1, 2022, and requiring Staff to start a review of Tariff 15-C.

¹ While the Amended Petition's caption refers to WAC Chapter 480-07, the Amended Petition is actually seeking exemptions from WAC Chapter 480-15, the chapter pertaining to household goods carriers, *e.g.*, Amended Petition ¶¶ 7, 14, 16. We therefore construe the Petition as requesting exemptions from WAC Chapter 480-15.

4 On February 22, 2022, Staff issued a Notice of Opportunity to File Comments due by March 25, 2022, exploring possible revisions or amendments to Tariff 15-C.

5 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.

6 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 Clutter 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.

7 On November 29, 2022, the Company filed a motion requesting further extension of the exemption until March 31, 2023, and on December 22, 2022, the Commission entered Order 04, granting Clutter an extension of the exemptions granted in Order 01 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.

8 On March 10, 2023, the Company filed a motion requesting further extension of the exemption until June 30, 2023, or until Staff completes its review of Tariff 15-C, whichever occurs sooner (Motion).

9 Staff recommends granting Clutter's Motion and proposed extension for exemption. The Commission previously found that the exemption is in the public interest, and Staff is currently in the process of reviewing Tariff 15-C, a process in which Clutter is participating. The conditions listed in paragraph 7 also ensure the exemptions granted in Order 01 will expire at the earliest possible date.

10 This matter came before the Commission at its regularly scheduled open meeting on March 23, 2023. 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 April 2023. Staff again stated that the process had been prolonged by internal Staffing shortages.

11 The Washington Movers Conference (WMC) provided comments at the open meeting opposing the proposed extension. WMC asserted that the tariff changes requested by Clutter in the Amended Petition are not in the public interest or WMC and that prolonging the requested extension drags out an already unnecessary process to the detriment of WMC's members.

12 Clutter also provided comments, explaining that the exemption at issue 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 WMC members.

DISCUSSION

13 We grant the Company's Motion and its request for an extension effective until the earlier of: (1) June 30, 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 have previously concluded that granting Clutter certain exemptions until the Commission completes the 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. We find that the requested extension of the exemptions for a short period benefits 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."²

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.³ 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 both consistent with the public interest,⁴ and sufficient, to grant the Company one further extension for its exemptions approved in Order 01 of this Docket.

² *Accord* WAC 480-07-110.

³ *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).

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 doing so is 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 March 23, 2023.
- 22 (6) After reviewing the Motion filed in Docket TV-210535 by Clutter on March 10, 2023, and giving due consideration, the Commission finds that the requested extension of exemptions, as set forth in Order 01 of this Docket, is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and 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) June 30, 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 March 27, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner

MILTON H. DOUMIT, Commissioner