

MEMORANDUM


December 1, 2004

TO: Gene Eckhardt, Regulatory Services Assistant Director,
Transportation and Water Section

FROM: Bonnie L. Allen, Regulatory Analyst 

SUBJECT: Household Goods Carrier Permit
Application No. P-79219 Docket No. TV-031444

Aleksand D. Gorshenin
405 NW "B" Street
College Place, WA 90324

12/03/04
I agree.


Discussion

On September 8, 2003, Aleksand D. Gorshenin, d/b/a A Reliable Delivery Service, filed Application No. P-79219 requesting permanent household goods authority.

The Commission granted Mr. Gorshenin temporary authority subject to conditions pending a decision on his application for permanent authority. He has operated under Household Goods Carrier Permit No. HG-61091 since September 16, 2003.

Application No. P-79219 appeared on the Commission's September 22, 2003, application docket subject to comment for no less than 180 days while Mr. Gorshenin conducted operations under temporary authority.

Ms. Kathy Conner Kaping, President of Clancy's Transfer and Storage, Inc., Walla Walla, Washington, filed her comments protesting the application. In her letter dated September 24, 2003, Ms. Kaping states that Mr. Gorshenin offered local and intrastate moving services for over three months without a WUTC permit at rates below the WUTC Tariff 15 minimums. She further states, "It is not felt that this applicant will be a positive addition to the community or be a good representative of the moving business."

Under the provisions of WAC 480-15-330 the Commission will grant or deny an application for permanent authority after conducting a complete review of the application filing, supporting statements, reports, or other information necessary to determine fitness, public interest, and current or future public convenience and

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necessity. A comment protesting an application may not cause the application to be set for hearing. WAC 480-15-340(4).

Aleksand D. Gorshenin states in his application that he has not been convicted of a Class A or B felony or previously been denied authority based on fitness. He states that he is a new company and does not have much experience but is working for his name as a careful mover. His interstate operations are registered with the Commission under the Single State Registration System.

Compliance staff worked with Mr. Gorshenin providing technical assistance during his temporary operations. Investigator John Foster completed a Safety Compliance Review and a Household Goods Technical Assistance and Records Review Checklist. Investigator Foster found the applicant's operations in general compliance and October 18, 2004, he recommended the applicant be considered for permanent authority.

The applicant is registered with Department of Licensing as Alex Gorshenin, d/b/a A Reliable Delivery Service. He holds a valid UBI number with tax registration, industrial insurance, and unemployment insurance accounts.

The Commission received five survey questionnaires from customers that were satisfied with the service received from Aleksand D. Gorshenin, d/b/a A Reliable Delivery Service. Four of those surveys indicated that the customer would use the service again and would recommend the service to others. The Commission received no customer complaints during the applicant's temporary operations.

Recommendation

The protest filed in this application should be denied. It refers to operations conducted by the applicant prior to his filing an application and receiving a permit to transport household goods. Compliance staff worked with the applicant during its temporary operations and found that the applicant is in compliance with Commission rules and laws. The commission has previously held that an applicant's assurances of future compliance may be credible, notwithstanding past unauthorized operations, when the applicant has discontinued unauthorized hauls and applied for the necessary authority. See Order M. V. No. 140097, In re T & T Milk Transport, Inc., App. No. E-19755 (September 1989).

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No hearing is required to grant an application for household goods authority, and there are no outstanding issues that suggest staff should ask the Commission to set the application for hearing.

I recommend that Licensing Services Staff prepare an order to deny the protest, grant Application No. P-79219 without hearing, and reissue Permit No. HG-61091 to Aleksand D. Gorshenin, d/b/a A Reliable Delivery Service, as unrestricted permanent authority to operate as a household goods carrier in the state of Washington.

Notes to Licensing Staff

Verify the applicant's name, as it should appear on the household goods permit.

Compliance report shows Mr. Gorshenin's first name as "Aleksandr" not "Aleksand." The Department of Licensing and the Federal Motor Carrier Safety Administration show Mr. Gorshenin's name as "Alex." *Wme*

Verify that the applicant understands the difference between household goods, general commodities, and solid waste collection services.

Support statements filed with the original application identified need for assistance with office moves and moves to and from a retail business. One customer survey indicated that the company moved articles from the "basement to the dump." *ok*