

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against</p> <p>PRO MOVERS LLC d/b/a GROOVIN MOVIN</p>	<p>DOCKET TV-180798</p> <p>ORDER 03</p> <p>VACATING DEFAULT ORDER AND REOPENING THE RECORD</p> <p>NOTICE CONTINUING HEARING <b>(Set for February 12, 2019, at 9 a.m.)</b></p>
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**BACKGROUND**

- 1 On October 22, 2018, the Washington Utilities and Transportation Commission (Commission) issued Order 01 instituting a special proceeding on its own motion to determine whether Pro Movers LLC d/b/a Groovin Movin (Groovin Movin or Company) was engaged in business as a household goods carrier within the State of Washington without authority required by RCW 81.80 (classification proceeding).
- 2 The Commission also ordered Andrey Goncharuk or a representative of Groovin Movin to appear before the Commission at a classification proceeding scheduled for November 13, 2018, at the Commission’s headquarters in Olympia, Washington, to give testimony and evidence under oath as to its operations.
- 3 On November 13, 2018, the hearing convened as scheduled in Olympia, Washington, before Administrative Law Judge Laura Chartoff. Commission Staff was the only party appearing at the hearing. Commission Staff moved for default pursuant to RCW 34.05.440(2) and WAC 480-07-450.
- 4 On November 13, 2018, following the hearing, the Administrative Law Judge entered Order 02, finding the Company in default, classifying the Company as household goods carrier, and imposing penalties for operating as a household goods carrier and advertising such services prior to receiving a permit from the Commission.
- 5 On November 14, 2018, Staff received an email from Mr. Goncharuk. In the email, Mr. Goncharuk claimed he received his permit on the same day he received the notice of the

classification proceeding. He explained that he was confused about whether he needed to appear at the hearing because he was now legally operating, and claimed he emailed and called the Commission seeking guidance and received no response.

### DISCUSSION AND DECISION

- 6 WAC 480-07-450 provides that a party held in default may contest the order of default by written motion filed within 10 days after service of the order. A party found in default may request that the order be vacated and that the proceeding be reopened for further process. The Commission considers the Company's November 14, 2018, email to Staff as a motion to vacate Order 02 and reopen the proceeding.<sup>1</sup>
- 7 The Commission finds there is good cause to vacate Order 02. It is unusual for the Commission to initiate a classification proceeding after a Company has received its permit. We find it is reasonable that the Company was confused when it received notice of an enforcement action soon after it received its permit. A company in that circumstance might reasonably wonder if the enforcement action would be cancelled now that the company is lawfully operating.
- 8 Under the circumstances, we conclude that there is good cause to vacate the order of default and reopen the matter for further process. The Commission finds good cause to continue the classification proceeding until February 12, 2019, at 9 a.m. Groovin Movin should review the complaint and subpoenas and be prepared to present testimony and documentary evidence regarding its operations at that date and time.

### FINDINGS AND CONCLUSIONS

- 9 (1) The Commission is an agency of the state of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service companies, including household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.
- 10 (2) Groovin Movin is a household goods carrier subject to Commission regulation.

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<sup>1</sup> The Commission liberally construes filings to effect just results. WAC 480-07-395(4).

- 11 (3) On October 22, 2018, the Washington Utilities and Transportation Commission (Commission) issued an order instituting a special proceeding on its own motion to determine whether Pro Movers LLC d/b/a Groovin Movin (Groovin Movin or Company) was engaged in business as a household goods carrier within the State of Washington without authority required by RCW 81.80 (classification proceeding).
- 12 (4) Goovin Movin did not appear at the November 13, 2018, proceeding.
- 13 (5) On November 13, 2018, the Commission issued Order 02 finding Groovin Movin in default, classifying the Company as household goods carrier, and imposing penalties for operating as a household goods carrier and advertising such services prior to receiving a permit from the Commission.
- 14 (6) On November 14, 2018, Groovin Movin filed a motion requesting the order be vacated.
- 15 (7) The Commission concludes that there is good cause to vacate the order of default and reopen the matter for further process.
- 16 (8) The Commission finds good cause to continue the classification proceeding until February 12, 2019, at 9 a.m.

### ORDER

#### THE COMMISSION ORDERS:

- 17 (1) Groovin Movin's request to vacate Order 02 is GRANTED and the matter is reopened.
- 18 (2) The classification proceeding set by Order 01 in this docket is rescheduled for 9 a.m. on February 12, 2019, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250.

DATED at Olympia, Washington, and effective November 21, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

LAURA CHARTOFF  
Administrative Law Judge

**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 twenty-one (21) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) 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 fails to 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). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).