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Amanda Maxwell
Executive Director and Secretary
Washington Utilities & Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

Re: *Clutter Inc.'s Petition to Revise Tariff 15-C (TV-210535) and Washington Movers Conference's Petition to revise Tariff 15-C (TV-210812)*
Docket No. TV-210812 and TV-210535 (consolidated)

Clutter Comments on Tariff 15-C, Rulemaking.

Dear Executive Director and Secretary Maxwell:

Clutter Inc. ("Clutter") appreciates the opportunity to provide comments pursuant to the Washington Utilities and Transportation Commission's ("Commission") May 12, 2023, Notice of Opportunity to File Written Comments in the above referenced Dockets.

Clutter would like to thank Commission Staff and other stakeholders for their efforts in these dockets, and particularly to Staff for the draft amendments to Tariff 15-C. For the most part, Clutter is supportive of the draft revisions to Tariff 15-C, and believes they are in the public interest. Clutter will be participating in the upcoming workshop on June 20th and may have other comments depending on the outcome of the workshop.

Tariff 15-C, Item 230 (4) and (6)

Clutter supports the draft revisions to Item 230(4) and (6), which provide for alternative minimum hourly charges and an alternative time recording methodology from the default provisions in the tariff. Carriers that wish to use either alternative must submit a form to the Commission.

Both of these changes provide more flexibility to carriers and ultimately benefit the customer. As Clutter previously mentioned in comments, some household good moves can be done more expeditiously than the minimum hourly requirements currently in the tariff. Further,

as technology has developed, some carriers are able to track moving time more precisely, which benefits the consumer and prevents overcharging.

Tariff 15-C, Item 230 (10)

Clutter also supports permanently adopting the rate increase that was approved by the Commission on May 27, 2022. All household goods carriers are facing increased costs and inflation, and this rate increase fairly balances the interest of the carriers and the consumers.

Clutter also asks the Commission to approve Staff's proposed annual rate adjustment based on the Seattle Consumer Price Index, which will incorporate CPI data through December 31 and become effective April 1 each year. While this automatic rate increase is helpful, Clutter requests clarification that carriers could provide data to the Commission to support a larger rate increase if appropriate.

Tariff 15-C, Small Goods Transportation and Storage, Item 102

For the most part, Clutter supports the draft revisions to Small Goods Transportation and Storage. Notwithstanding, Clutter continues to request an increase to the 25 items/week when the move is associated with permanent storage. Clutter requests a modest increase from 25 items to 30 items/week, which is how many items typically fit in Clutter's smallest storage offering. Clutter also requests to eliminate the 500-pound provision because it can be difficult and cumbersome to weigh and regulate. Regulating moves that primarily involve permanent storage in this manner would also more closely align with federal law. The Primary Business Test was developed as a way to determine the difference between a for hire motor carrier which was subject to regulation by the Interstate Commerce Commission (ICC) and a private carrier, exempt from regulation from the ICC. As relevant here, a private carrier is exempt from regulation by the Secretary of Transportation if the transportation it conducts is incidental and within the scope of a non-transportation primary business—in this case storage. The Primary Business Test has been codified in 49 USC §13505. Transportation furthering a primary business:

(a) IN GENERAL. Neither the Secretary nor the Board has jurisdiction under this part over the transportation of property by motor vehicle when—

(1) the property is transported by a person engaged in a business other than transportation; and

(2) the transportation is within the scope of and furthers a primary business (other than transportation) of the person.

When a customer has items put into permanent storage, the move is arguably incidental to the primary business which is storage.

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Clutter is also supportive of the process in Tariff 15-C, Item 102 for decreasing and increasing rates for the return of goods from storage.

Clutter looks forward to meeting with Staff and other stakeholders in these dockets on June 20 and will be participating in the public meeting on June 29, 2023. Thank you for considering Clutter's comments.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Chad M. Stokes".

Chad M. Stokes
Attorneys for Clutter

CMS:bh

cc: Clutter Inc. (*via e-mail only*)
Service List (*via e-mail only*)