



TV-210535

Received
Records Management
Jan 12, 2024

Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

Public Counsel

800 Fifth Ave • Suite 2000 • MS TB-14 • Seattle, WA 98104-3188 • (206) 464-7744

January 12, 2024

SENT VIA WEB PORTAL

Kathy Hunter
Acting Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

Re: ***Rulemaking to Revise WAC 480-15 Relating to Household Goods Carriers Tariff and Rates, Dockets TV-210535 and TV-210812 (consolidated)***

Dear Acting Director Hunter:

The Public Counsel Unit of the Washington State Attorney General's Office (Public Counsel) respectfully submits these comments in response to the Washington Utilities and Transportation Commission's (Commission) November 29, 2023, Notice of Opportunity to File Written Comments (Notice) in consolidated Dockets TV-210535 and TV-210812. The Commission originally opened these Dockets in response to separate petitions from Clutter, Inc. (Clutter) and the Washington Movers Conference (WMC) requesting revisions to Tariff 15-C.

Public Counsel has participated in these Dockets, including the May 5, 2022, and June 20, 2023 workshops, and previously submitted substantive written comments on March 24, 2022, and June 12, 2023. The Commission issued Order 06/04 on June 29, 2023, which adopted Tariff 15-C revisions, authorized a temporary amendment to the rate increase supplement, directed UTC Staff (Staff) to open a rulemaking to examine whether the maximum rate band should be eliminated, and waived the application of the definition of "supplemental estimate" until two WAC sections can be aligned.¹

Following the issuance of that Order, Staff reached out to Public Counsel to ask for our initial thoughts on the scoping of the rulemaking and possible consumer protection concerns. We provided some questions and concerns for the Commission and UTC Staff's consideration in

¹ *In re Clutter Seeking Exemptions*, Dockets TV-210535 & TV-210812 (*Consol.*), Order 06/04 Amending Tariff 15-C at 9 (June 29, 2023).

ATTORNEY GENERAL OF WASHINGTON

To: Kathy Hunter, Acting Executive Director and Secretary
Re: Dockets TV-210535 and TV-210812 (*consolidated*)
Date: June 12, 2023
Page 2 of 3

developing the CR-101. Those questions and concerns are reproduced below so they may be considered in this rulemaking.

- Is Staff contemplating any changes to the minimum rate band?
- If we remove the maximum rate band, will the companies be tariff regulated or will their rates be deregulated?
 - If unregulated, is there sufficient competition to protect customers? Public Counsel recommends an independent competition study evaluating the industry state-wide.
- Without a maximum rate band, are there any limitations on items moving companies can charge for?
 - For example: Credit card processing fees are currently not allowed. Will they be explicitly prohibited? If not, the rule should state so expressly. If charges are allowed, they should be limited to passing through what the credit card charges.
 - Should there be any other specific prohibitions for items companies may want to include in rates?
- What is in place now to protect customers from companies holding their possessions hostage?
 - How do we make sure customers know who to turn to if they cannot resolve issues with companies and the companies are holding on to their goods?
- Will written bills of lading continue to be required?
 - Will estimates still include all the same information that was previously required to be itemized?
- Companies are now allowed to provide supplemental estimates to increase the cost charged to customers for both binding and nonbinding estimates. Without a maximum rate band, how do we protect customers from unreasonable increases or increases they were not anticipating and were not told about prior to being handed the supplemental estimate?
 - Can we limit the amount allowed for supplemental increases? For example, supplemental increases may only result in up to a 110% increase from the estimated cost.
 - Can we limit the types of circumstances or events that trigger a supplemental estimate by listing the specific items or events for which the companies are allowed to increase rates?
 - What are the notice requirements to customers so they know that certain changes (e.g., changing the date, number of items, need for storage, etc.) can trigger a supplemental estimate and increased costs?
- Public Counsel supports the development of general public notice requirements (beyond the notice of rulemaking, CR-101, and CR-102), so customers know the companies are no longer rate regulated.
- Will the removal of the maximum rate band impact the insurance coverage provided to customers? Will the insured amounts in Tariff 15-C remain the same? Do we just assume the costs will be included in whatever rate the company sets?

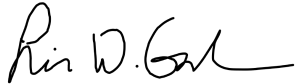
ATTORNEY GENERAL OF WASHINGTON

To: Kathy Hunter, Acting Executive Director and Secretary
Re: Dockets TV-210535 and TV-210812 (*consolidated*)
Date: June 12, 2023
Page 3 of 3

- The treatment of insurance costs must be explicit in rules.

Public Counsel appreciates the opportunity to submit comments and looks forward to future participation in this rulemaking. If you have any questions about this filing, please contact Stephanie Chase at (206) 521-3212 or via e-mail at Stephanie.Chase@ATG.WA.GOV or Lisa Gafken at the contact information, below.

Sincerely,

/s/ 

LISA W. GAFKEN, WSBA No. 31549
Assistant Attorney General
Public Counsel Unit Chief
(206) 464-6595
Lisa.Gafken@ATG.WA.GOV

LWG/SC

Enclosures

cc: Service List (via E-mail)