



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

February 3, 2010

Wade McLaren
Blue Bird Transfer, Inc.
2500 East 5 Street
Vancouver, Washington 98661

RE: First USA Van Lines, LLC

Dear Mr. McLaren:

The Utilities and Transportation Commission (commission) received your December 31, 2009, letter regarding the household goods permit application submitted by First USA Van Lines, LLC (First USA). In the letter, you asked the commission to reject First USA's application and cancel the company's household goods permit. Your letter contains specific concerns and allegations against First USA. I have listed each of your concerns as they appeared and provided commission staff's response to each.

1. "WAC 480-15-060 they have no physical address in Washington, they are brokers."

A review of current Washington Administrative Codes (WAC) revealed WAC 480-15-060 does not exist.

Household goods carriers are not required to have a mailing or physical address located in Washington state in order to obtain permit authority.

2. "They are also listing at their website that they are a broker and can find a mover for the clients that find their web sites. They have no standards, no equipment and do not comply with the safety of consumer belongings. They are listed under Vanlines.com and FirstUSAVanlines.com."

A review of First USA's Web site, www.800moving.com, indicates the company professes itself to be "licensed, bonded and insured movers offering local or long distance professional moving services in Arizona, Colorado, Washington, California, Texas and Oregon... Let the experts at First USA Vanlines provide you with an affordable moving quote or free onsite estimate today." Commission staff spoke with Jonathan Lloyd of First USA on January 20, 2010. Mr. Lloyd informed staff that First USA pays a fee to be



listed with many other moving companies on the Web site, www.vanlines.com. The Web site is a lead provider service only. Neither vanlines.com nor FirstUSAVanLines.com is First USA's Web site domain.

3. "WAC 480-15-020 regarding description of permit: "the authority granted to a household goods carrier", they are brokers."

WAC 480-15-020, Definitions, does indicate that a permit is a document issued by the commission describing the authority granted to a household goods carrier. WAC 480-12-100 applies to forwarders and brokers. The commission does issue a common carrier broker registration. Household goods brokers are not required to register with the commission.

When speaking with commission staff, Mr. Lloyd stated First USA is not a broker and does not act in a broker capacity for household goods or general commodities. Mr. Lloyd asserted that the company provides transportation services for partnered carriers only under contractual transportation agreements.

4. "WAC 480-15-270 they have no trucks operating on the roads, they are brokers. They would rely on the existing licensed, asset based, movers to service the clients that they are soliciting."

WAC 480-15-270 pertains to emergency temporary authority. The permit application fee is \$50. First USA applied for permanent authority, not emergency temporary authority, and it paid an application fee of \$550. First USA's household goods permit is currently in provisional status.

The household goods application submitted by First USA included an equipment list of five vehicles the company intends to use in its Washington state operations. In addition, a review of the Federal Motor Carrier Safety Administration's (FMCSA) Safety and Fitness Electronic Records System (SAFER) indicates the company is a for-hire carrier of household goods. SAFER records indicate the carrier has eight power units and eight drivers. The company has been assigned a USDOT number, indicating it is a transportation provider, not a broker. Commission staff contacted FMCSA and confirmed brokers are not issued USDOT numbers.

Further, the commission does not require household goods permit holders to own or lease their own vehicles. Those carriers that do not own or lease their own vehicles are allowed to rent the transportation (such as renting from Budget or U-Haul) to provide household goods transportation services. A carrier that does not own or lease its own vehicles but does provide transportation of household goods through other means is still required to obtain and maintain household goods permit authority, including maintaining the proper insurance on file with the commission.

5. "480-15-320 1) they are not a firm that would serve the public's best interest..."

WAC 480-15-320 applies specifically to temporary permits, which First USA does not have.

Household goods permits at one time were issued by the commission when a company could show a public need and necessity for its services. Permits are now issued when a company can demonstrate it is fit, willing and able to provide household goods moving services. In addition, many household goods permit holders do not utilize their household goods permit authority and are not required to do so. A carrier can retain its household goods permit as long as it keeps the necessary insurance on file with the commission and files its annual report every year.

6. "...480-15-450 4c) sufficient equipment, and 5e) will allow others to transport goods on their authority since they have not [sic] trucks."

WAC 480-15-450 applies to the involuntary cancellation of a permit. A review of the WAC revealed paragraphs (4)(c) and (5)(e) do not exist.

As stated above, the household goods application submitted by First USA included an equipment list of five vehicles the company intends to use in its Washington state operations. Commission staff finds no indication that First USA does not have sufficient equipment, nor does it find any information that would indicate the company will allow others to transport goods on its authority. First USA has specifically stated to commission staff that it provides transportation services on its trucks for moves contracted for by its partnered carriers.

After reviewing your letter and researching each issue raised in it, commission staff finds no cause to request of the commission that First USA's household goods permit be canceled. Should you have additional concerns or questions regarding the information provided in this letter, you may contact Sheri Hoyt, Compliance Investigator, by phone at (360) 664-1149 or by e-mail at shoyt@utc.wa.gov.

Sincerely,



David W. Danner
Executive Director and Secretary