

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,</p> <p style="text-align: center;">Complainant,</p> <p>v.</p> <p>SAFE-TO-GO-MOVERS, LLC,</p> <p style="text-align: center;">Respondent.</p>	<p>DOCKET TV-200161</p>
<p>In the Matter of the Investigation of</p> <p>SAFE-TO-GO-MOVERS, LLC</p> <p>For Compliance with WAC 480-15-560 and WAC 480-15-570</p>	<p>DOCKET TV-190515</p>
<p>In the Matter of the Penalty Assessment Against</p> <p>SAFE-TO-GO-MOVERS, LLC</p> <p>In the Amount of \$8,600</p>	<p>DOCKET TV-190514</p> <p>COMMISSION STAFF’S MOTION TO CONSOLIDATE PROCEEDINGS</p>

I. INTRODUCTION

I In August 2019, the Commission in Dockets TV-190514 and TV-190515 imposed a penalty on Safe-To-Go-Movers, LLC (Safe-To-Go) for violations of WAC 480-15-560 and -570, but suspended a portion of that penalty on the company’s compliance with several conditions. One of these conditions required Safe-To-Go to refrain from incurring repeat critical or acute violations in a follow-up review by the Commission’s regulatory staff

(Staff). When Staff performed the follow-up review commanded by the Commission, it found repeat critical and acute violations.

2 The violations found by Staff in the follow-up review are the subject of Staff’s complaint in Docket TV-200161. They also underlie Staff’s motion to impose the suspended penalty in Dockets TV-190514 and TV-190515. The Commission should consolidate all of these matters for administrative convenience and economy.

II. RELIEF REQUESTED

3 Staff respectfully requests that the Commission consolidate Dockets TV-190514 and TV-190515 with Docket TV-200161.

III. STATEMENT OF FACTS

4 In August 2019, the Commission entered Order 01 in Dockets TV-190514 and TV-190515.¹ The Commission in that order imposed a penalty of \$8,600 on Safe-To-Go for violations of WAC 480-15-560 and -570, but suspended \$5,000 of that penalty conditioned on Safe-To-Go’s compliance with several conditions.² As relevant here, one of those conditions required Safe-To-Go to refrain from incurring repeat acute or critical violations in a follow-up review to be performed by Staff at least six months from the date the Commission entered Order 01.³

5 Staff later performed the follow-up review ordered by the Commission in Order 01. During that review, which the Commission docketed as TV-200161, Staff determined that, among other things, Safe-To-Go allowed a disqualified driver to operate a commercial motor vehicle in violation of 49 C.F.R. § 391.15(a), and also allowed a driver not medically

¹ See generally *in re the Investigation of Safe-To-Go-Movers, LLC*, Dockets TV-190515 & TV-190514, Order 01 (Aug. 12, 2019).

² *Id.* at 2 ¶ 3, 4-5 ¶¶ 14-15, 5 ¶ 17, 6 ¶¶ 21, 23, 26.

³ *Id.* at 5 ¶ 17, 6 ¶¶ 23, 26.

examined and certified to operate a commercial motor vehicle in violation of 49 C.F.R. § 391.45(a).⁴ Those violations are repeat acute and critical violations.⁵

IV. STATEMENT OF ISSUES

6 Should the Commission consolidate Dockets TV190514, TV-190515, and TV-
200161?

V. EVIDENCE RELIED UPON

7 Staff relies on the record in Dockets TV-190514, TV-190515, and TV-200161.

VI. ARGUMENT

8 Under WAC 480-07-320, parties may move to consolidate proceedings.⁶ The
Commission may grant such motions if “the facts or principles of law are related” between
the proceedings.⁷ The Commission, however, will decline to consolidate proceedings where
doing so does not serve “judicial economy and administrative efficiency,”⁸ or where
consolidation would “unduly delay the resolution of one or all of the proceedings.”⁹

9 Dockets TV-190514, TV-190515, and TV-200161 share related facts. Order 01 in
Dockets TV-190514 and TV-190515 imposed, then partially suspended, a penalty on Safe-
To-Go for violations of WAC 480-15-560 and -570. One of the conditions of suspension
required Safe-To-Go to refrain from incurring repeat violations in a follow-up review
conducted by Staff. Staff performed that review, which is docketed as TV-200161, and its

⁴ *Wash. Utils. & Transp. Comm’n v. Safe-To-Go-Movers, LLC*, Docket TV-200161, Order 01, 3 ¶¶ 10-11 (Mar. 26, 2020).

⁵ 49 C.F.R. Part 385 App’x B (VII); *compare in re the Investigation of Safe-To-Go-Movers, LLC*, Dockets TV-190515 & TV-190514, Order 01, at 2 ¶¶ 3-4 with *Wash. Utils. & Transp. Comm’n v. Safe-To-Go-Movers, LLC*, Docket TV-200161, Order 01, at 3 ¶¶ 10-11.

⁶ The Commission may also consolidate proceedings on its own motion. WAC 480-07-320.

⁷ *Id.*

⁸ *In re Determining the Proper Classification of Lowper, Inc. d/b/a Lowper Corp., a/k/a Lowper Water Co. & Iliad inc. d/b/a Lowper Water Sys.*, Dockets UW-091006 & UW-110213 (Consolidated), Order 02/Order 01, 2 ¶ 5 (Mar. 24, 2011).

⁹ *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy*, Dockets UE-111048 & UG-111049 (Consolidated) & UG-110723, Order 04, at 4 ¶ 8 (Sept. 7, 2011).

results form the basis for both Staff's complaint in that docket and for Staff's motion to impose the suspended penalty in Dockets TV-190514 and TV-190515. The Commission should consolidate the dockets so that the parties can litigate the violations in Docket TV-200161 once, rather than once in that docket and then once again in Dockets TV-190514 and TV-190515.

VII. CONCLUSION

Staff requests that the Commission grant its motion and consolidate Dockets TV-190514, TV-190515, and TV-200161.

DATED this 27th day of March 2020.

Respectfully submitted,

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