

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

MIRACLE MAN MOVERS, LLC

For Compliance with WAC 480-15-555
and WAC 480-15-570

DOCKET TV-220511

COMMISSION STAFF'S MOTION TO
STRIKE BRIEF ADJUDICATIVE
PROCEEDING
(Set for August 12, 2022, at 1:30 p.m.)

AND

COMMISSION STAFF'S MOTION FOR
LEAVE TO FILE AMENDED NOTICE
OF INTENT TO CANCEL PERMIT AS A
HOUSEHOLD GOODS CARRIER

I. INTRODUCTION

1 Commission Staff of the Washington Utilities and Transportation Commission (Commission) respectfully requests by this motion: (1) that the Commission strike the Brief Adjudicative Proceeding (BAP) in Docket TV-220511, concerning Miracle Man Movers, LLC (Company), presently set for August 12, 2022, at 1:30 p.m. for good cause and in support of the public interest; and (2) that the Commission grant Commission staff (Staff) leave to file an amended Notice of Intent to Cancel Permit as a Household Goods Carrier in this docket in order to achieve fair and just results in this matter, based on information exchanged between the Company and Staff subsequent to the closing of Staff's investigation.

II. STATEMENT OF FACTS

2 On June 29, 2022, Staff completed an investigation of the Company's compliance with the safety requirements in WAC 480-15. As a result of the compliance investigation, Staff documented 261 safety requirement violations and proposed an unsatisfactory safety

rating for the Company. Staff notified the Company of this proposed rating on June 29, 2022.

3 On July 26, 2022, the Commission issued a Notice of Intent to Cancel Permit as a Household Goods Carrier and a Notice of Brief Adjudicative Proceeding in Docket TV-220511, setting the BAP for August 12, 2022, at 1:30 p.m.

4 On August 1, 2022, the Company submitted documents in this docket to contest certain violations found during Staff's investigation. The Company provided information that was not accessible during Staff's investigation that closed on June 29, 2022. Staff assessed the newly provided information and/or documents from the Company and determined it would be necessary to produce an amended investigation report that would result in a change to the presently recommended safety fitness rating of unsatisfactory.

5 On August 5, 2022, Staff spoke with a representative of the Company, who confirmed that the Company supports this motion.

III. DISCUSSION

6 The Commission should grant Staff's motion to strike the BAP in Docket TV-220511, presently set for August 12, 2022, at 1:30 p.m., because good cause exists to do so, because striking the BAP is in the public interest, and because the Company supports striking the BAP.¹ Good cause for striking the BAP exists because the Company recently provided, albeit after the close of Staff's investigation, information and/or documents that, based on Staff's review, would result in a material change to Staff's safety fitness rating recommendation. As a result, the notice of intent to cancel issued on July 26, 2022, based on

¹ Due to the relief sought in this motion, Staff does not intend on filing its exhibit list and associated exhibits in this docket on August 5, 2022, as would be required if the August 12, 2022, BAP were to remain in place. However, Staff remains ready to file these exhibits should the Commission so desire, or if the relief sought in this motion is denied.

Staff's investigation that closed on June 29, 2022, does not account for these material additions to the record. Staff believes the public interest is best served by striking the presently set BAP to utilize the most complete and up-to-date information available in this matter. Doing so would promote fairness, accuracy, and public safety by ensuring that the Commission's ultimate decision in this docket aligns as closely as possible with the set of available facts in this matter.

7 The Commission should grant Staff's motion for leave to file an amended notice of intent to cancel permit as a household goods carrier in this docket because doing so would promote fair and just results,² would promote public safety, and because the Company supports Staff's motion. While the Company provided new information as to *some* of the alleged violations impacting Staff's safety fitness recommendation, there nonetheless remain violations of the Commission's safety requirements for which the Company has not provided exculpatory information. It is therefore in the interest of public safety for the Commission to grant Staff leave to file an amended notice of intent to cancel, along with a new Staff investigation report addressing these safety violations. Additionally, granting Staff leave to file an amended notice of intent to cancel, along with a new Staff investigation report, would support a fairer and more just outcome in this matter by providing the Commission with the most accurate and up-to-date information available.

IV. CONCLUSION

8 Based on the forgoing, Staff respectfully requests that the Commission strike the BAP in Docket TV-220511, concerning Miracle Man Movers, LLC, presently set for August 12, 2022, at 1:30 p.m. for good cause and in support of the public interest. Staff also

² See WAC 480-07-395(5) ("The commission may allow amendments to pleadings, motions, or other documents on such terms as promote fair and just results.").

respectfully requests that the Commission grant Staff leave to file an amended Notice of Intent to Cancel Permit as a Household Goods Carrier (along with a new Staff investigation report) in this docket to promote public safety and to achieve fair and just results in this matter. Finally, the Commission should grant Staff's relief sought in this motion because the Company supports such relief.

DATED this 5th day of August 2022.

Respectfully submitted,

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