January 19, 2011

William V. Brown

Evergreen Moving Systems, Inc

3719 Smith Avenue

Everett, Washington 98201

**RE: January 4, 2011 protest letter**

Dear Mr. Brown:

The Utilities and Transportation Commission (commission) has received your January 4, 2011, letter protesting the temporary households good permit (THG-064094) issued under docket TV-101578 to Two Small Men with Big Hearts Corporation. Under WAC 480-15-330(2), the commission will complete a review of this company prior to issuing permanent authority. The issues raised in your letter will be considered during that review.

However, I believe it is important to address a couple of the issues in your letter prior to our review. Your letter suggests this company should not be given a permit because it is owned by a Canadian citizen. You also suggest it will not be paying any taxes.

Prior to issuing the temporary permit, the commission did review applicable state statutes and rules along with federal cabotage laws to ensure this company complied with applicable laws.

The permit applicant in TV-101578 is a *company* with a mailing address in British Columbia.  The company is also registered as a domestic corporation in Washington (UBI- 603 020 369), with a physical address in Federal Way, WA.

Cabotage regulations are not directed at *companies,* but apply to Canadian *drivers* (“transportation operators”), [8 C.F.R. § 214.2](http://origin.www.gpo.gov/fdsys/pkg/CFR-2010-title8-vol1/pdf/CFR-2010-title8-vol1-sec214-2.pdf)(b)(4)(i)(E)(1), and  Canadian-based *trucks,* [19 C.F.R. § 123.14](http://origin.www.gpo.gov/fdsys/pkg/CFR-2010-title19-vol1/pdf/CFR-2010-title19-vol1-sec123-14.pdf). A company with Canadian owners may operate in Washington without running afoul of these regulations. In fact, the [application](http://www.wutc.wa.gov/rms2.nsf/177d98baa5918c7388256a550064a61e/2bbce7735028bf1b882577f2006c9d76!OpenDocument) in TV-101578 represents that the company will use “USA employees only,” and will register its three trucks in Washington State by February 1, 2011.

Moreover, the company is registered with the Washington Department of Revenue and will be paying the appropriate business taxes. It also has established accounts with the Washington Employment Security Department and the Washington Department of Labor and Industries.

In short, this company has met the requirements to obtain a temporary household good permit from the commission.

Sincerely,

David Pratt,

Assistant Director, Transportation Safety

cc: Jim Tutten – WTA

The Honorable Rick Larsen – U.S. House of Representatives