

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of  
Commission Staff for an Exemption  
from WAC 480-15-480(1)(b)

DOCKET TV-180183

ORDER 01

ORDER GRANTING  
COMMISSION STAFF'S  
PETITION FOR EXEMPTION  
FROM WAC 480-15-480(1)(b)

**BACKGROUND**

- 1 On March 1, 2018, the Washington Utilities and Transportation Commission (Commission) staff (Staff) filed a petition requesting an exemption from WAC 480-15-480(1)(b), pursuant to WAC 480-07-110 (Petition). WAC 480-15-480(1)(b) requires the Commission to mail annual report forms and instructions to each household goods permit holder. Staff seeks an exemption from WAC 480-15-480(1)(b) to allow the Commission to email each household goods permit holder an electronic link to the annual report form located on the Commission's website.
- 2 Household goods carriers must file annual reports with the Commission each year by May 1.<sup>1</sup> Each spring, in advance of the filing deadline, the Commission mails out annual report forms to every household goods permit holder. Mailing paper forms is a requirement of WAC 480-15-480(1)(b), which states: "The commission will mail annual report forms and instructions to each household goods permit holder at its address of record."
- 3 Last year, the Commission adopted procedural rules that generally require formal filings to be made electronically,<sup>2</sup> including written submissions that are required by statute or Commission rule. A statute, RCW 81.04.080, and a Commission rule, WAC 480-15-480, require household goods carriers to file annual reports with the Commission. Another rule, WAC 480-07-150, requires each regulated company to provide the Commission with current contact information, including a valid email address.
- 4 Annual report forms and instructions for the reporting year for all industries, including household good carriers, are available on the Commission's website as of March 1, 2018. These forms can be completed electronically and filed electronically, and they can be

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<sup>1</sup> WAC 480-15-480(4).

<sup>2</sup> WAC 480-07-140(1)(b).

printed out. The Commission currently emails an annual report form link to regulated companies in the other industries that it regulates rather than provide paper forms.

5 In place of mailing paper forms via the postal service, Staff proposes to send only an email containing links to an Excel-based annual report form, along with instructions for completing the form and filing through the Commission’s electronic filing portal, which is the process that Staff uses for all other industries. These efforts would reduce paper waste and expenses for both the Commission and regulated companies.

6 In addition, Staff believes that the current practice of sending a paper form through the mail encourages household goods permit holds to respond in paper form, rather than electronically as required by WAC 480-07-140(5).

7 Staff recognizes that electronic filing of annual reports is a transition, and Staff has provided assistance to companies that encountered challenges. Staff will continue to educate companies about the electronic filing requirements in WAC 480-07-140, and to advise companies of their options to achieve compliance. Staff’s assistance so far has allowed several companies, including household goods carriers, to correctly file reports—by providing the Excel-based forms directly, informing companies of other software programs, and walking them through completing the forms electronically.

8 The Commission received two public comments in this docket. On Friday, March 2, 2018, the Washington Movers Conference sent an email stating, “The proposed change makes excellent sense and the Washington based intrastate moving industry supports the change.” On Tuesday, March 20, 2018, the Washington Trucking Association informed the Commission’s assistant director of water and transportation that it does not oppose the Petition.

### **DISCUSSION**

9 WAC 480-07-110(2)(c) provides that:

The commission uses the public interest standard to determine whether to grant an exemption from, or modification to, a commission rule. Factors the commission may consider in making this determination include whether the rule imposes an undue hardship on the requesting person of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule to the requesting person would be contrary to the underlying purposes of the rule and the public interest.

10 Here, we find that granting the requested exemption is appropriate for several reasons. First, sending an electronic link to the annual report form via email is more convenient,

efficient, and user-friendly. A fully electronic process will reduce the time it takes for forms to reach carriers and for completed forms to reach the Commission. Electronic filing will also eliminate printing, mailing, and the possibility that the completed form may be delayed or lost by the postal service.

11 Second, we agree with Staff that providing paper reporting forms when the Commission does not accept for filing paper forms undermines the Commission's ultimate goal of compliance with annual reporting requirements. As such, applying the rule would be contrary to its underlying purpose, which is to ensure that household goods carriers file annual reports in the time and manner prescribed by the Commission.

12 Third, the exemption supports the policies of sustainability and efficiency that are incorporated into the Commission's new procedural rules. Making the annual report process exclusively electronic will allow both the Commission and household goods carriers to save paper and postage costs.

13 Finally, the exemption will create a consistent process across all regulated industries. The Commission has been emailing an annual report form link to regulated companies in other industries that do not have a rule requiring the Commission to mail paper forms. Granting an exemption from WAC 480-15-480(1)(b) would enable the Commission to use the same electronic annual report process for household goods carriers as it does for other industries.

14 For the reasons set out above, we find that the requested exemption is consistent with the public interest and the purposes underlying the regulation. Accordingly, we grant Staff's Petition for an exemption from WAC 480-15-480(1)(b).

15 We encourage Staff to work with industry stakeholders to consider initiating a rulemaking to amend WAC 480-15-480(1)(b) to specify that annual report forms will be delivered electronically rather than by mail.

### FINDINGS AND CONCLUSIONS

16 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts and affiliated interests of public service companies, including household goods carriers.

17 (2) Under WAC 480-07-110, the Commission may grant an exemption from the provisions of any rule in WAC 480-15, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

- 18 (3) This matter came before the Commission at its regularly scheduled meeting on March 29, 2018.
- 19 (4) After review of the petition filed in Docket TV-180183 by Staff on March 1, 2018, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

**ORDER**

**THE COMMISSION ORDERS:**

- 20 (1) The Commission grants Staff's Petition for an exemption from WAC 480-15-480(1)(b). Commission Staff may email each household goods permit holder an electronic link to the annual report form located on the Commission's website in lieu of mailing a paper form.
- 21 (2) The Commission retains jurisdiction over the subject matter to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective March 29, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner