

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Investigation of</p> <p>MIRACLE MAN MOVERS, LLC,</p> <p>For Compliance with WAC 480-15</p>	<p>DOCKET TV-210128</p> <p>ORDER 01</p> <p>APPROVING SAFETY MANAGEMENT PLAN; MAINTAINING SAFETY RATING; EXTENDING PROVISIONAL PERIOD</p>
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BACKGROUND

- 1 On March 8, 2021, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements in the Matter of the Investigation of Miracle Man Movers, LLC, (Miracle Man or Company) for Compliance with Washington Administrative Code (WAC) 480-15 (Notice).
- 2 The Notice explained that Commission staff (Staff) conducted a compliance review of Miracle Man’s operations in February 2021 and cited the Company for 77 violations of federal and state safety regulations. Based on its review, Staff proposed a “conditional” safety rating and recommends the Commission cancel Miracle Man’s household goods carrier permit unless the Company obtains Commission approval of a safety management plan. The Notice directed Miracle Man to file a proposed safety management plan by April 1, 2021. The Commission also set a brief adjudicative proceeding for April 15, 2021, at 9:30 a.m. to determine whether the Commission should cancel Miracle Man’s household goods carrier permit.
- 3 On March 16, 2021, the Commission assessed a \$100 penalty (Penalty Assessment) against Miracle Man in Docket TV-210129 for the safety violations discovered during Staff’s February 2021 compliance review.¹ The Penalty Assessment assessed a \$100

¹ The Penalty Assessment cites violations of Washington Administrative Code (WAC) 480-15-570, which adopt by reference sections of Title 49 Code of Federal Regulations (C.F.R.). Accordingly, Commission safety regulations with parallel federal rules are hereinafter referenced only by the applicable provision of Title 49 C.F.R.

**Pursuant to RCW 80.01.060(3)
This packet is the final
Order in this docket.**

penalty for 30 violations of 49 C.F.R. § 395.8(a)(1) for failing to require drivers to prepare records of duty status on 30 occasions.

- 4 On April 14, 2021, Miracle Man submitted a proposed safety management plan. That same day, Staff filed with the Commission its evaluation of the Company's safety management plan (Evaluation). In its Evaluation, Staff indicated that the Company waived its right to a hearing in this Docket and requested the Commission cancel the brief adjudicative proceeding and decide this matter on a paper record. Also on April 14, 2021, the Commission issued a notice canceling the April 15, 2021, hearing, and informing the parties that the Commission would enter an order based on the parties' written submissions.
- 5 Based on its review of the Company's proposed plan, Staff determined that the Company took all the required steps to bring its safety operations into compliance with Commission regulations. Staff recommends that the Commission maintain the Company's safety rating as conditional and extend the Company's provisional permit period until such time as the Company achieves a satisfactory safety rating.
- 6 On April 15, 2021, Miracle Man paid the \$100 penalty in full.²

DISCUSSION AND DECISION

- 7 Washington Law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's February 2021 compliance review of Miracle Man found 30 critical violations of Commission safety regulations, which resulted in a proposed conditional safety rating. Violations classified as "critical" are indicative of a breakdown in a carrier's management controls. Patterns of noncompliance with a critical regulation are quantitatively linked to inadequate safety management controls and usually higher-than-average accident rates.
- 8 On April 14, 2021, the Company submitted its proposed safety management plan and requested the Commission upgrade its safety rating. Staff determined that Miracle Man's safety management plan addresses each violation, identifies how each violation occurred, describes the steps taken to correct each violation, and describes the controls put in place to ensure compliance going forward. Staff concludes that Miracle Man's safety

² Staff's Evaluation recommends that Dockets TV-210128 and TV-210129 be consolidated. Because the Company did not seek mitigation of the penalty, however, we deny Staff's request. No material facts are in dispute, the penalty was paid in full, and Docket TV-210129 is closed.

management plan is acceptable and satisfies the legal requirements of 49 C.F.R. Part 385. We agree.

9 Based on Staff's Evaluation, the Commission finds that the Company has achieved compliance with WAC 480-15 by correcting the violations that led to the proposed conditional safety rating. Accordingly, the Commission agrees with Staff's recommendation and grants the Company's request to maintain its permit.

10 We likewise agree with Staff's recommendation to extend the Company's provisional period for its household goods carrier permit. WAC 480-15-305(1)(b) provides that, prior to a grant of permanent authority, an applicant must complete a provisional period of not less than six months and not more than 18 months unless the Commission determines for good cause that the provisional period should be extended. Good cause may include, among other things, a carrier that has not yet achieved a satisfactory safety rating but is making substantial progress toward a satisfactory rating. Here, the Company has corrected the violations at issue and demonstrated that it has taken significant steps to ensure its operations comply with applicable safety regulations. Accordingly, the Commission finds good cause to extend the Company's provisional period until such time as the Company achieves a satisfactory rating.

FINDINGS AND CONCLUSIONS

11 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.

12 (2) Miracle Man is a household goods carrier subject to Commission regulation.

13 (3) Miracle Man cured the deficiencies that led to the proposed conditional safety rating. Accordingly, Miracle Man's safety rating should remain conditional, and the Company should be allowed to maintain its household goods carrier permit.

14 (4) Pursuant to WAC 480-15-305(1)(b), the Commission should find good cause to extend Miracle Man's provisional period until such time as the Company achieves a satisfactory safety rating.

ORDER

THE COMMISSION ORDERS THAT:

- 15 (1) The Commission approves Miracle Man Movers, LLC's safety
management plan.
- 16 (2) Miracle Man Movers, LLC's safety rating is maintained as conditional.
- 17 (3) Miracle Man Movers, LLC's provisional period is extended until such
time as the Company achieves a satisfactory safety rating.

DATED at Lacey, Washington, and effective April 19, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Judge

Service Date: April 19, 2021

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order and you would like the Order to become final before the time limits expire, you may send a letter to the Commission waiving your right to petition for administrative review.

WAC 480-07-610(7) provides that any party to this proceeding has 21 days after service of this initial order to file a petition for administrative review (Petition). Section (7)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-610(7)(c) states that any party may file a response to a Petition within 7 days after service of the Petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence that is essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will give other parties in the proceeding an opportunity to respond to a motion to reopen the record, unless the Commission determines that it can rule on the motion without hearing from the other parties.

WAC 480-07-610(9) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission does not exercise administrative review on its own motion.

Any Petition or response must be electronically filed through the Commission's web portal, as required by WAC 480-07-140(5).