

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of  
MOVING CAB CORPORATION

For Compliance with WAC 480-15-555 and  
WAC 480-15-560

DOCKET TV-250054

ORDER 01

APPROVING SAFTEY  
MANAGEMENT PLAN;  
EXTENDING CONDITIONAL  
STATUS; WITH CONDITIONS

**BACKGROUND**

- 1 On May 6, 2024, the Washington Utilities and Transportation Commission (Commission) granted Moving Cab Corporation (Moving Cab or Company) temporary operating authority.
- 2 On January 23, 2025, Commission staff (Staff) conducted a routine safety investigation of Moving Cab’s compliance with Washington Administrative Code (WAC) 480-15.<sup>1</sup>
- 3 On February 7, 2025, Staff filed a Notice of Intent to Cancel (NOIC) in this docket notifying Moving Cab that their temporary authority will be cancelled effective March 25, 2025, if the Company does not obtain Commission approval of a Safety Management Plan (SMP) effective February 24, 2024.
- 4 On February 24, 2025, Staff filed a Penalty Assessment in this Docket, requesting the Commission impose penalties against the Company in the amount of \$1,600 for violations of WAC 480-15-555 and 480-15-560.<sup>2</sup>

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<sup>1</sup> *In re Investigation of Moving Cab Corporation*, Docket TV-250054, Notice of Intent to Cancel at ¶ 5 (Feb. 7, 2025).

<sup>2</sup> Penalty Assessment, at ¶ 6.

5 Staff alleges that during the January 23, 2025, investigation, Staff discovered 12 critical or critical-type safety violations and 10 other safety violations resulting in a conditional safety rating.<sup>3</sup> Staff notified the Company of this proposed rating on January 23, 2025.

6 Staff specifically recommends penalties for the following violations:

- One violation of WAC 480-15-555(1), for failure to complete a criminal background check for every person the carrier intends to hire. Staff recommends a penalty of \$100 for this violation.
- Thirteen violations of 49 C.F.R. § 391.45(a), for using a driver not medically examined and certified. Staff recommends a penalty of \$100 for each occurrence of each of these first-time violations for a total of \$1,300.
- One violation of 49 C.F.R. § 393.41, for inoperative or missing parking brake on power unit. Staff recommends a penalty of \$100 for this out-of-service violation.<sup>4</sup>
- Eight violations of 49 C.F.R. § 395.8(a)(1), for failing to require a driver to prepare a record of duty status using the appropriate method. Staff recommends a penalty of \$100 “per category” penalty for these first-time critical violations.

7 On February 26, 2025, Moving Cab filed an Application for Mitigation, admitted to the violations, and requested a reduction in penalties.

8 On February 28, 2025, a waiver of hearing and response to the penalty assessment from Moving Cab was filed in this docket. Moving Cab admitted to the violations alleged in the NOIC and waived its right to a hearing and consented to a decision by the Commission based upon the written record.<sup>5</sup>

9 On March 3, 2025, Staff filed an Evaluation of SMP (Staff’s Evaluation).

10 On March 6, 2025, the presiding officer issued a Notice Cancelling Brief Adjudicative Proceeding.

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<sup>3</sup> Notice of Intent to Cancel, at ¶ 5.

<sup>4</sup> Penalty Assessment, at ¶ 6.

<sup>5</sup> Waiver of Hearing, at ¶ 2.

11 In Staff's Evaluation, Staff outlined the penalties it recommended in its Penalty Assessment, and that the Company submitted an SMP compliant with 49 C.F.R. § 385.<sup>6</sup> Staff recommends (1) not cancelling Moving Cab's provisional permit, (2) maintaining Moving Cab's conditional rating, and (3) extending Moving Cab's provisional period until such a time that Moving Cab achieves a satisfactory safety rating, or the Commission finds good cause to cancel Moving Cab's operating authority.<sup>7</sup>

## DISCUSSION

12 Washington law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's 2025 compliance review of Moving Cab found 12 critical or critical-type violations and 10 other safety violations.<sup>8</sup> The violations found by Staff resulted in a proposed conditional safety rating. We rule on each of the issues presented in this docket.

### *Moving Cab's Safety Rating*

13 On February 20, 2025, the Company submitted its proposed SMP.<sup>9</sup> Staff determined that Moving Cab's SMP addresses each violation, identified 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 Moving Cab's SMP is acceptable and satisfies the legal requirements of 49 C.F.R. Part 385. We agree.

14 Based on Staff's Evaluation, the Commission finds that the Company has submitted a satisfactory SMP that if followed should prevent future repeat violations.

15 We also agree with Staff's recommendation to extend the Company's provisional permit for its household goods operating authority and not to cancel the Company's permit at this time.

16 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

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<sup>6</sup> Staff's Evaluation of SMP, at ¶ 4.

<sup>7</sup> *Id.*

<sup>8</sup> Notice of Intent to Cancel, at ¶ 5.

<sup>9</sup> Staff's Evaluation of SMP, at ¶ 7.

period should be extended. Good cause may include a carrier that has not yet achieved a satisfactory safety rating but is making substantial progress toward a satisfactory rating.<sup>10</sup> Accordingly, we find good cause to extend the Company's provisional period until such time that Moving Cab achieves a satisfactory safety rating, or the Commission finds good cause to cancel the Company's operating authority, subject to the conditions that (1) Staff conducts a follow-up safety investigation at least six months from the date of this Order and (2) Moving Cab not incur any repeat violations of critical regulations upon reinspection.

17 We find the conditions are appropriate to ensure that the Company implements its SMP as intended and to ensure the Company corrects the 12 critical or critical-type violations and the 10 other safety violations.

*Moving Cab's Penalty Assessment*

18 Staff recommends a penalty of \$1,600 for the discovered violations in this docket with \$800 suspended for two years, to be waived, subject to the following conditions:

- (1) Moving Cab maintain a conditional safety rating.
- (2) Staff perform a follow-up safety investigation at least six months from the date of this Order.
- (3) The Company not incur any repeat critical violations upon re-inspection; and
- (4) Moving Cab pay the \$800 that is not suspended.

19 The Commission's objective when enforcing statutes, rules, orders, and tariffs is to ensure jurisdictional services are delivered safely, adequately, and efficiently.<sup>11</sup>

20 Here, the Company has submitted its Response to the Penalty Assessment, admitting the violations and requesting mitigation of the penalty sought by Staff.

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<sup>10</sup> WAC 480-15-305(1)(b).

<sup>11</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶ 9. (January 7, 2013).

21 The Commission accepts Moving Cab's Response to the Penalty Assessment and approves Moving Cab's request for mitigation of penalty, subject to the conditions proposed by Staff.

### FINDINGS AND CONCLUSIONS

- 22 (1) The Commission is an agency of the state of Washington, vested by statute with the authority to regulate the 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.
- 23 (2) Moving Cab is a household goods carrier subject to Commission regulation.
- 24 (3) Moving Cab committed one violation of WAC 480-15-555(1), for failure to complete a nationwide criminal background check for every person the carrier intends to hire. Staff recommends a penalty of \$100 for this violation with \$50 suspended for two years.
- 25 (4) Moving Cab committed thirteen violations of 49 C.F.R. § 391.45(a), for using a driver not medically examined and certified on twelve occasions with Artur Kynaly between July 6, 2024, and January 16, 2025, and one occasion with Vladimir Shaliakin on August 29, 2024. Staff recommends a penalty of \$1,300 for these violations with \$650 suspended for two years.
- 26 (5) Moving Cab committed one violation of 49 C.F.R. § 393.41, for an inoperative or missing parking brake on power unit. Staff recommends a penalty of \$100 for this violation with \$50 suspended for two years.
- 27 (6) Moving Cab committed eight violations of 49 C.F.R. § 395.8(a)(1), for failing to require a driver to prepare a record of duty status using the appropriate method. Staff recommends a penalty of \$100 for this violation with \$50 suspended for two years.
- 28 (7) Moving Cab has cured the deficiencies that led to the proposed conditional safety rating.

- 29 (8) Moving Cab's updated SMP submitted on February 20, 2025, should be approved, as noted in paragraphs 14 through 17 of this Order, and the Company's provisional period should be extended.
- 30 (9) The Commission should assess a penalty of \$1,600 with \$800 suspended for two years for discovered violations, and Moving Cab should remit payment to the Commission, if it has not already done so.

**ORDER**

**THE COMMISSION ORDERS:**

- 31 (1) The Commission approves Moving Cab Corporation's safety management plan for the reasons stated in paragraphs 14 through 17 of this Order.
- 32 (2) Moving Cab Corporation's provisional permit under a conditional safety rating is extended until such a time that Moving Cab Corporation achieves a satisfactory safety rating, or the Commission finds good cause to cancel Moving Cab Corporations operating authority, subject to the conditions that (1) Staff conducts a follow-up safety investigation at least six months from the date of this Order; and (2) Moving Cab Corporation, may not incur any repeat violations of critical regulations upon reinspection.
- 33 (3) Moving Cab Corporation is assessed a penalty of \$1,600 with \$800 suspended for two years, to be waved, subject to the conditions in paragraph 18 of this Order, which is due and payable to the Commission if payment has not already been made.

DATED at Lacey, Washington, and effective March 20, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Jessica A. Kruszewski  
JESSICA KRUSZEWSKI  
Administrative Law Judge

### 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 twenty-one (21) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) 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 fails to 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). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).