

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of	DOCKET TV-220511
MIRACLE MAN MOVERS, LLC	
For Compliance with WAC 480-15-555 and WAC 480-15-570	ORDER 01
	GRANTING STAFF'S MOTION

**BACKGROUND**

- 1 On July 8, 2022, the Washington Utilities and Transportation Commission (Commission) issued a Penalty Assessment against Miracle Man Movers, LLC, (Miracle Man or Company) in the Amount of \$12,600 for Violations of WAC 480-15.
- 2 On July 26, 2022, the Commission issued a Notice of Intent to Cancel Permit as a Household Goods Carrier and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements (Notice of Intent to Cancel). The Notice of Intent to Cancel informed Miracle Man that if it failed to gain Commission approval of a safety management plan by August 26, 2022, the Commission would cancel Miracle Man's household goods carrier permit effective August 29, 2022. The Notice of Intent to Cancel scheduled a brief adjudicative proceeding (BAP) for August 12, 2022, at 1:30 p.m.
- 3 On August 1, 2022, the Company filed a response to the Penalty Assessment (Response) contesting the violations found during Staff's investigation. With the Response, Miracle Man provided documents that were not available to Staff during its investigation.
- 4 On August 5, 2022, Commission staff (Staff) filed a Motion to Strike Brief Adjudicative Proceeding and Motion for Leave to File Amended Notice of Intent to Cancel Permit as a Household Goods Carrier (Motion) requesting that the Commission cancel the scheduled BAP and allow Staff to file an amended notice of intent to cancel, in which the Commission would set time for a new BAP and reset the deadlines by which Miracle Man must gain Commission approval of its safety management plan.
- 5 In support of its Motion, Staff explained that, upon reviewing the documents submitted with the Company's Response, it became apparent that Staff's investigation report should

be amended to reflect a revised proposed safety rating. Staff further states that the Company supports the Motion.

### DISCUSSION

6 We grant Staff’s Motion. As a preliminary matter, we construe the Motion as a motion to cancel the BAP and suspend the procedural schedule in this matter pending Staff’s submission of an amended investigation report. Although Title 49 of the Code of Federal Regulations (49 C.F.R.) Part 385.13 requires that motor carriers are prohibited from operating beginning on the 61<sup>st</sup> day after receiving notice of a proposed “unsatisfactory” safety rating, it also provides that if a company is making a good-faith effort to improve its safety fitness, the company may operate for up to 60 additional days.<sup>1</sup>

7 Because Staff is in the process of re-evaluating the proposed safety rating, we find that this is a circumstance in which the Company may continue to operate beyond the 61<sup>st</sup> day, pending the results of Staff’s amended investigation report, and therefore grant Staff’s Motion to cancel the scheduled BAP, suspend the procedural schedule, and allow Staff to file its amended report. We find that there is good cause to allow the Company to continue to operate while Staff completes its analysis, and doing so will promote fairness, accuracy, and public safety by ensuring that the Commission’s ultimate decision in this docket is based on a complete analysis of the all available information. Accordingly, Staff’s Motion is granted.

### ORDER

8 THE COMMISSION ORDERS:

9 (1) That Staff’s Motion for is GRANTED.

10 (2) The brief adjudicative proceeding scheduled for August 12, 2022, at 1:30 p.m. is CANCELED.

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<sup>1</sup> WAC 480-15-99 adopts by reference 49 C.F.R. pertaining to safety requirements for household goods carriers.

- 11 (3) The procedural schedule, including the August 26, 2022, deadline by which the Company was required to gain Commission approval of its safety management plan, is SUSPENDED.
- 12 (4) Commission Staff must file an amended investigation report and proposed safety rating recommendation no later than 5 p.m., August 26, 2022.

DATED at Lacey, Washington, and effective August 9, 2022.

*/s/ Rayne Pearson*

RAYNE PEARSON  
Administrative Law Judge