



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • www.utc.wa.gov

August 21, 2013

**NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN COMMENTS
ON PROPOSED RULES
(By Monday, September 23, 2013)**
and
**NOTICE OF PROPOSED RULE ADOPTION HEARING
(Set for Friday, October 11, 2013, at 9:00 a.m.)**

RE: Rulemaking to Revise Common Carrier Rules WAC 480-14 and
Household Goods Carrier Rules WAC 480-15
Docket TV-130079

TO ALL INTERESTED PERSONS:

This letter informs you of the progress made concerning the possible adoption of proposed revisions to WAC 480-14, Common Carriers, and WAC 480-15, Household Goods Carriers. This letter also provides notice of an opportunity to file written comments on the proposed rule amendments and to participate in the formal rule adoption hearing scheduled for 9:00 a.m. on Friday, October 11, 2013.

On August 20, 2013, the Washington Utilities and Transportation Commission (Commission) filed a Notice of Proposed Rulemaking (CR-102) with the Office of the Code Reviser. The proposed rules would allow the Commission to cancel a carrier's operating authority for failure to maintain required liability insurance without first suspending the carrier's operating authority. The Commission also proposes to make a number of minor corrections and clarifications, as well as the following changes to the rules:

1. WAC 480-15-186 and 480-15-187: Clarify the requirements a carrier must meet to receive new authority and to transfer control of existing authority.

2. WAC 480-15-302: Remove the words “Washington state” from the requirement for a “valid Washington state driver’s license”; and add “or government-issued photo identification card.”
3. WAC 480-15-590 and WAC 480-15-600: To be consistent with bus and solid waste rules, move all the language for vehicle leasing into one rule; add the requirement that the driver must comply with all safety and controlled substance rules; and remove the requirement for Commission approval before entering into a lease.
4. WAC 480-15-302(8): Add “assault” to the list of crimes for which the Commission may deny an application for provisional operating authority. Add a provision for the Commission to determine if the nature or extent of any crime over five years prior would likely interfere with the proper operation of a household goods company and if so, allow the Commission to deny the provisional application.
5. WAC 480-15-305(1)(b): Limit the provisional period to 18 months unless the Commission determines that for good cause that the provisional period should be extended beyond 18 months. Good cause may include, among other circumstances, a carrier that has not yet made an intrastate move or a carrier that has not yet achieved a satisfactory safety rating but is making substantial progress toward a satisfactory rating.
6. WAC 480-15-305(1)(d): Add “assault” to the list of crimes for which the Commission may deny an application for permanent operating authority. Add a provision for the Commission to determine if the nature or extent of any crime over five years prior would likely interfere with the proper operation of a household goods company and if so, allow the Commission to deny the permanent application.
7. WAC 480-15-430(1)(g) and WAC 480-15-450(1)(j): Both rules revised so that the Commission may involuntarily suspend or cancel a carrier that failed to meet the requirements for a criminal background check for prospective employees in accordance with WAC 480-15-555 (see #8, below).
8. WAC 480-15-555: Add language that requires existing carriers to:
 - a. Complete a criminal background check on every prospective employee.
 - b. Maintain a copy of the background check for the period of the person’s employment plus three years.
 - c. Refuse to employ a person who has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance within the past five years.

9. WAC 480-15-630(8): Add language that states that if a carrier completes an estimate the same day as the move, the carrier may not charge the customer for the amount of time spent on completing the estimate and the carrier may not charge the customer for travel time to the point of origin.

The Commission has reviewed comments received from stakeholders received to date in this docket and has prepared proposed rules for review and comment by interested persons. The proposed rules are available for inspection on the Commission's website at www.utc.wa.gov/130079. If you are unable to access the Commission's web page and would like a copy of the proposed rules mailed to you, please contact the Commission's Records Center at (360) 664-1234. The CR-102 filing initiates the final part of the rulemaking process, which includes a written comment period, a public adoption hearing, and a decision by the Commission.

WRITTEN COMMENTS

The Commission gives notice of your opportunity to submit written comments on the proposed rules to the Commission by filing with the Commission Executive Director and Secretary either by electronic transmission as described below, or by physical delivery to 1300 S. Evergreen Park Drive S.W., P.O. Box 47250, Olympia, Washington, 98504-7250, no later than 5:00 p.m., **Monday, September 23, 2013**. The proposed rules, as filed with the Code Reviser, are available for inspection on the Commission's web site at <http://www.utc.wa.gov/130079>.

Electronic copies. The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate responses from the comments. You may submit comments via the Commission's Web portal at <http://www.utc.wa.gov/e-filing> or by electronic mail to the Commission's Records Center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (TV-130079).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments is mailing or delivering an electronic copy to the Commission's Records Center on a flash drive or CD in .pdf Adobe Acrobat format or in Word 2010 or later format. Include all of the information requested above. The Commission will post on its web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/130079>. If you are unable to file your comments electronically or to submit them on a flash drive or CD, the Commission will accept a paper document.

ADOPTION HEARING

The Commission gives further notice of your opportunity to attend the public hearing and make oral comments about the proposal for the adoption of the proposed rules at **9:00 a.m. on Friday, October 11, 2013**. This public hearing will be held in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington.

OPPORTUNITY TO PARTICIPATE IN THE FUTURE

The Commission will post information about the schedule and other aspects of the rulemaking, including comments on its website as it becomes available. If you wish to receive further information on this rulemaking you may:

- 1) Call the Commission's Records Center at (360) 664-1234.
- 2) E-mail the Commission at <records@utc.wa.gov>.
- 3) Mail written comments to the address below.

When contacting the Commission, please refer to Docket TV-130079 to ensure that you are placed on the appropriate service list.

The Commission's mailing address is:

Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

Questions? If you have questions about this notice, about the rulemaking process, or this rulemaking in particular, you may contact Suzanne Stillwell at (360) 664-1224 or by email at sstillwe@utc.wa.gov. may be (360) 664-1224.

STEVEN V. KING

Executive Director and Secretary