

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of  
  
Permit to Operate as a Motor Carrier of  
Household Goods and a Permit to Operate as a  
Motor Freight Common Carrier  
  
DOLLY, INC.

DOCKET NUMBER: TV-190594  
  
DOLLY, INC. AMENDED PETITION  
FOR RULE EXEMPTION

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**I. REQUEST FOR RELIEF**

Dolly, Inc. (“Dolly” or “the Company”) respectfully petitions the Washington Utilities and  
Transportation Commission (“WUTC” or “Commission”) to grant exemptions from the following  
regulations:

- 1. WAC 480-15-490 (Tariff and Rates, General);
- 2. WAC 480-15-530 (Public Liability and Property Damage Insurance);
- 3. WAC 480-15-550 (Cargo Insurance);
- 4. WAC 480-15-555 (Criminal Background Checks for Prospective Employees);
- 5. WAC 480-15-620 (Information Household Goods Carriers Must Provide to Customers);
- 6. WAC 480-15-630 (Estimates);
- 7. WAC 480-15-710 (Bill of Lading); and
- 8. WAC 480-15-750 (Weight)

Dolly also request to be exempt from the Commission’s requirement that household goods carriers  
obtain a United States Department of Transportation Federal Motor Carrier Safety Administration Number  
 (“USDOT No.”). Dolly requests the Commission grant this *Amended Petition for Rule Exemption*  
 (“Petition”) for the reasons set forth below.

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1 **II. BACKGROUND**

2 The Commission previously classified Dolly to be a household goods carrier subject to the  
3 Commission’s public service laws.<sup>1</sup> Dolly is a Delaware corporation with its principal place of business in  
4 Seattle, Washington. Dolly created a wholly owned proprietary software application (“platform”) that  
5 allows users who need an item moved between two locations to post details of the move on the platform.  
6 Independent contractors (“Helpers”) view the user’s post and enter into an agreement with the user to  
7 complete the request. Dolly facilitates the transaction by verifying the user’s payment information and  
8 ensuring the Helpers have adequate insurance and have passed a background check. The user and Helper  
9 determine all other aspects of the transaction.

10 **III. APPLICABLE LAW AND STANDARD FOR DETERMINATION**

11 The Commission is an agency of Washington State established pursuant to chapter 80.01 RCW and  
12 charged by the legislature with the authority to regulate in the public interest the rates, services, facilities,  
13 and practices of businesses in the state offering the transportation of goods to the public for compensation.

14 Washington Administrative Code (“WAC”) 480-07-110(1) provides that the Commission “may  
15 grant an exemption from, or modify the application of, any of its rules in individual circumstances if the  
16 exemption or modification is consistent with the public interest, the purposes underlying regulation, and  
17 applicable statutes.”<sup>2</sup> In defining the “public interest” test, WAC 480-07-110 states the standard of  
18 determination the Commission considers is whether the:

- 19 1. Rule imposes an undue hardship on the requesting person of a degree or a kind  
20 different from hardships imposed on other similarly situated persons, and  
21 2. Effect of applying the rule to the requesting person would be contrary to the  
22 underlying purposes of the rule and the public interest.” Emphasis added.

23 WAC 480-15-035 provides that companies may petition the Commission requesting exemptions to  
24 rules contained in Chapter 480-15 WAC and also that the Commission may grant an exemption from the  
25 provisions of any rule in WAC chapter 480-15, if the request is consistent with, “the public interest, the  
26 purpose of the underlying regulation, and applicable statutes.”<sup>3</sup>

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<sup>1</sup> *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against Dolly, Inc.*,  
Docket TV-171212, Corrected Order 02 (April 9, 2018).

<sup>2</sup> WAC 480-07-110

<sup>3</sup> WAC 480-15-035(1).

1 The Commission has consistently viewed the public interest standard as protecting, “the interests of  
2 customers of regulated utilities, not those of unregulated competitors.” See *Cost. Mgmt. Srvc., Inc. v. Wash.*  
3 *Util. and Transp. Comm’n (Cost Management Services)*, Dockets UG-061256, et al, Order 06, ¶ 24 (Oct.  
4 12, 2007)).

#### 5 IV. ARGUMENTS AND GROUNDS FOR RELIEF

##### 6 1. Dolly Requests to be Exempt from WAC 480-15-490

7 WAC 480-15-490 requires household goods carriers to purchase and display at least one copy of  
8 the current tariff, and pay applicable tariff maintenance fees. WAC 480-15-490 states that, “all household  
9 goods carriers are required to follow the terms, conditions, rates and all other requirements imposed by the  
10 commission-published tariff.”

11 The underlying purpose of the rule is to ensure household goods carriers comply with the  
12 Commission’s pricing tariff. The Tariff 15-C, Section 3 (Local – Hourly-Rated Moves) imposes rates  
13 higher than those Dolly charges (Helpers do not perform Section 2 (Long Distance – Mileage-Rated  
14 moves).<sup>4</sup> The rule poses an undue hardship on Dolly because the Company proposes to comply with an  
15 individual tariff filed pursuant to WAC 480-15-520 submitted in conjunction this Petition that describes a  
16 pricing structure that charges rates much lower than those included in the Tariff.<sup>5</sup> As such, it is not in the  
17 public interest for Dolly to apply the Commission tariff and charge consumers to pay rates exceeding the  
18 rates Dolly currently charges.

##### 19 2. Dolly Requests to be Exempt from WAC 480-15-530(1)(b) and Subsection (3)

20 Household goods carriers must have public liability and property damage liability insurance to  
21 obtain its certificate and operating authority.<sup>6</sup> WAC 480-15-530(1) requires carriers to maintain public  
22 liability and property damage coverage. WAC 480-15-530 outlines the requirements for public liability and  
23 property damage insurance coverage issued by an authorized insurer.<sup>7</sup> Specifically, the rule states:

24 The policy must include the Uniform Motor Carrier Bodily Injury and Property Damage  
25 Liability Certificate of Insurance (Form E) or Uniform Motor Carrier Bodily Injury and  
26 Property Damage Liability Surety Bond (Form G).<sup>8</sup>

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<sup>4</sup> While it is possible to schedule a Long-Distance move (defined as 55 miles or more) Helpers are not likely to accept the terms of such a move and the move will not be performed.

<sup>5</sup> Dolly will file an individual tariff explaining Item 85 as soon as the Commission approves Dolly’s request to file an individual tariff.

<sup>6</sup> WAC 480-15-530

<sup>7</sup> WAC 480-15-530(1)(a).

<sup>8</sup> WAC 480-15-530(1)(b).

1 ...

2 Carriers must file a Uniform Motor Carrier Bodily Injury and Property Damage Liability  
3 Certificate of Insurance (Form E) or Uniform Motor Carrier Bodily Injury and Property  
4 Damage Liability Surety Bond (Form G) as a condition of maintaining a household goods  
5 permit.<sup>9</sup>

6 Dolly protects Washington consumers by engaging an insurance broker to manage and maintain its  
7 commercial general liability insurance and auto liability insurance policies. In the history of the Company,  
8 there has not been a single loss suffered by a user that has not been covered by the Company’s insurance.<sup>10</sup>

9 Helpers use their personal vehicles to transport their users’ property and Dolly requires them to  
10 provide evidence of auto liability insurance coverage prior to approving them to use the platform. While on  
11 the platform, the Helpers’ personal auto insurance covers any losses that occur while transporting property  
12 for their users. Dolly’s commercial general liability and auto liability coverage are contingent and  
13 supplement the Helper’s coverage. Therefore, if the Helper’s insurer either denies or does not fully cover a  
14 claim one of Dolly’s contingent policies will step in to cover the user’s loss.

15 Form E and Form G filings certify that a company’s liability insurance complies with the state’s  
16 financial responsibility laws with respect to insurance. Insurers do not provide a Form E or Form G filing  
17 for contingent coverage thereby necessitating this exemption request even though Dolly does possess  
18 insurance coverage protecting consumers’ property.

19 **A. Description of Dolly’s Insurance Coverage**

20 Dolly possesses contingent insurance policies for both commercial general liability and automobile  
21 liability coverage. Dolly’s contingent policies provide coverage in excess of the driver’s personal auto and  
22 property damage coverages. As it does not own or operate any vehicles Dolly does not have auto property  
23 damage coverage, however, Dolly’s current policies cover that risk. The table below shows that Dolly’s  
24 commercial general liability and automobile liability policy limits (which cover the same risks covered by  
25 public liability and property damage coverage) far exceed the minimum limit requirements of WAC 480-  
26 15-530(2):

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<sup>9</sup> WAC 480-15-530(3).

<sup>10</sup> In a few rare instances the Company’s insurer denied a claim. In those few cases the Company directly reimbursed the consumer.

Insurance Type	Insurance Provider	Dolly's Commercial Insurance Coverage Limits		WAC 480-15-530 Minimum Coverage Limits (As Applied to Dolly's Business Model)	
Commercial General Liability	First Mercury	Each Occurrence	\$1,000,000	Cargo Insurance	\$10,000 (GVWR under 10k pounds)
		Damage to Rented Premises	\$50,000		
		Personal and Advertising Injury	\$1,000,000		
		General Aggregate	\$2,000,000		
		Products – Completed Operations Aggregate	\$2,000,000		
Auto Liability	James River	Combined Single Limit	\$1,000,000	Combined Single Limit	\$300,000 (GVWR under 10k pounds and non-hazardous substances transported)

1 Dolly's commercial general liability policy covers losses and damage to the consumer's property  
2 and acts as what would be cargo insurance if Dolly owned vehicles and purchased cargo insurance. Dolly's  
3 auto liability policy covers any damage arising from the independent contractors' operation of their vehicle.  
4 Again, Dolly's insurance policies, which are issued by authorized insurance providers, satisfies WAC 480-  
5 15-530 (1)(a) and (2).

6 **B. Dolly's Insurers are Authorized in Washington State Thereby Satisfying the Objectives**  
7 **of WAC 480-15-530**

8 The Washington State Office of the Insurance Commissioner ("Insurance Commission" or "OIC")  
9 protects Washington consumers by authorizing only legitimate and reliable insurance companies to operate  
10 in Washington.<sup>11</sup> The Commission has incorporated those safeguards into its rules, and allowing a carrier to  
11 rely on insurance provided by an unauthorized carrier undermines the consumer protection objectives of  
12 both state agencies.<sup>12</sup>

13 Dolly, who also has a vested interest in protecting Washington consumers, possesses contingent  
14 insurance coverage from an authorized insurer that protects consumers in the event of loss or damage to  
15 their property. However, a Form E filing is not provided for contingent coverage and Dolly is therefore  
16 unable to satisfy the *prima facie* requirements of 480-15-530(1)(b) even though, substantively, its insurance

<sup>11</sup> *In the Matter of the Petition of Kevin Lee Miller dba KLM Movers, Seeking Exemption from the Provisions of WAC 480-15-530(1) Relating to Filing Verification of Public Liability and Property Damage Insurance by Household Goods Companies*, Docket TV-140790, Order 01 ¶ 10 (June 13, 2014).

<sup>12</sup> *Id.*

1 satisfies WAC 480-15-530 (1)(a) and (2) and more than adequately protects consumers in the event of loss  
2 or damage.

3 In a prior docket, the Commission properly concluded that exempting a carrier with insurance from  
4 an unauthorized insurer from the requirement to submit a Form E is not in the public interest because it is  
5 “inconsistent with the purpose of the rule to protect consumers from loss of, or damage to, their property  
6 caused by a household goods mover.”<sup>13</sup> Here, granting Dolly’s Petition is consistent with the public interest  
7 of, “protecting consumers from loss of, or damage to, their property” because Dolly’s insurance is from an  
8 authorized insurer and adequately protects consumers. Accordingly, the Commission has sufficient grounds  
9 to grant Dolly’s Petition.

10 **i. The Commission has Previously Permitted Carriers to Obtain Insurance from**  
11 **Authorized, Nonadmitted Insurers**

12 Commission Staff also expressed concern that one of Dolly’s insurance providers is “nonadmitted”  
13 in Washington.<sup>14</sup> Simply stated, nonadmitted insurers are not backed by the state in the event the insurer  
14 becomes insolvent. WAC 480-15-530(1)(a) requires only that an insurer be “authorized to write insurance  
15 in Washington state.” An “authorized” insurer is one that has received a Certificate of Authority from the  
16 Insurance Commission.<sup>15</sup> Dolly’s insurers are authorized to write insurance in Washington State.

17 Commission Staff stated that they do not discern a distinction between “admitted” and “authorized”  
18 insurers because the two “go hand in hand.”<sup>16</sup> Commission Staff proports this interpretation prevents Dolly  
19 from satisfying WAC 480-15-530 because Dolly’s insurer is not “admitted.” The Commission should find  
20 that Dolly’s insurance providers are authorized by the OIC and meet the requirements of WAC 480-15-  
21 530(1)(a).

22 In a prior docket, the Commission granted a passenger carrier’s petition to obtain insurance from a  
23 nonadmitted provider, on the condition that that the carrier eventually obtain coverage from “a highly-rated  
24 surplus line insurance company [with an] AM Best A- or above rating.”<sup>17</sup> The Non-admitted and  
25 Reinsurance Reform Act of 2010 (“NRRRA”) defines “nonadmitted insurance” as “any property and casualty

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<sup>13</sup> *Id.* at ¶ 7.

<sup>14</sup> See Attachment A, Notice of Deficient Household Goods Moving Application - Dolly Inc., email from Michael Dotson (July 16, 2019).

<sup>15</sup> RCW 48.05.030.

<sup>16</sup> See Attachment A, email from Michael Dotson dated July 18, 2019.

<sup>17</sup> *In the Matter of the Petition of Triangle Charter, LLC for Exemption from insurance requirements and requesting placement of Auto Liability Insurance with Limits of \$5,000,000 with a non-admitted, surplus lines insurer, Prime Insurance Company*, Docket TV-1151866, Order 01 at ¶ 14 (October 29, 2015).

1 insurance permitted to be placed directly or through a surplus lines broker with a nonadmitted insurer  
2 eligible to accept such insurance.”<sup>18</sup> So, a “surplus line insurance company” is one that is nonadmitted.

3 As stated above, the Form E (or Form G) filing simply certifies that a company’s liability insurance  
4 complies with the state’s financial responsibility laws for insurance. The NRRA restricts the eligibility  
5 requirements a state may impose on non-admitted insurers and states that non-admitted insurers are  
6 permitted to place non-admitted insurance provided they maintain minimum capital and surplus of \$15  
7 Million. Here, James River’s minimum capital and surplus is \$500 Million to \$750 Million and First  
8 Mercury’s is \$1.25 Billion to \$1.5 Billion. These amounts far exceed the financial responsibility laws for  
9 nonadmitted insurers in Washington which means both companies are allowed to provide nonadmitted  
10 insurance in the state. Although Dolly’s insurers are nonadmitted, they are undoubtedly financially  
11 responsible by virtue of their minimum capital and surplus amounts exceeding the state minimum  
12 requirements. Thus, the public safety concern of a company’s liability insurance complying with the state’s  
13 financial responsibility laws for insurance that Forms E and G are intended to certify are eliminated.

14 Here, even though Dolly’s commercial general liability insurance provider, James River,<sup>19</sup> and its  
15 auto liability insurance provider, First Mercury,<sup>20</sup> are authorized, nonadmitted (“surplus line”) insurers, they  
16 both possess AM Best ratings of “A”, which exceeds the minimum “A-” standard the Commission  
17 permitted for a passenger carrier company. Both companies are also financially eligible to provide surplus  
18 insurance in Washington. Accordingly, the Commission may properly grant Dolly’s Petition because it has  
19 done so previously when faced with the similar facts of a passenger carrier seeking to obtain insurance from  
20 an authorized, non-admitted insurance company that had an AM Best rating exceeding an “A-”, which are  
21 the same facts presented here.

### 22 3. Dolly Requests to be Exempt from WAC 480-15-550

23 WAC 480-15-550 requires household goods carriers to possess cargo insurance based on the weight  
24 of the vehicles used to transport goods. Specifically, the coverage required is: \$10,000 for vehicles under  
25 10,000lbs and \$20,000 for vehicles over 10,000lbs. As stated above, Dolly does not own, lease, or rent  
26 vehicles but Dolly’s \$2,000,000 general liability insurance policy adequately protects consumers in the  
27 event of loss of, or damage to, their property while being transported by a Helper. This coverage is far in  
28 excess of the rule’s maximum \$20,000 requirement and requiring Dolly to obtain additional cargo insurance

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<sup>18</sup> See 15 U.S.C. § 8206(9).

<sup>19</sup> See Attachment B, AM Rating – James River Insurance Company.

<sup>20</sup> See Attachment C, AM Rating – First Mercury Insurance Company.

1 coverage imposes an undue hardship on the Company that serves no public interest because the user's  
2 property is already insured.

#### 3 **4. Dolly Requests to be Exempt from WAC 480-15-555**

4 WAC 480-15-555(3) imposes the requirements that household goods carriers: 1) must complete a  
5 criminal background check for every person the carrier intends to hire,<sup>21</sup> and 2) are prohibited from hiring  
6 any person who has been convicted of any crime involving theft, burglary, assault, sexual misconduct,  
7 identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance  
8 within the past five years.

9 Before a Helper is approved to use Dolly's platform, the Company uses an independent third-party  
10 company to conduct a thorough background check which scrutinizes the applicant's criminal history and  
11 driving history dating back seven years. Any prospective Helper charged or convicted with any one of the  
12 offenses listed in WAC 480-15-555(3), among others, is not allowed to use the Dolly platform.

13 Dolly performs background checks on Helpers even though they are independent contractors, not  
14 employees, because Dolly believes the underlying purpose of the rule is to scrutinize the criminal  
15 background of individuals who enter users' homes or take possession of users' items. This is in contrast to  
16 Dolly's actual (corporate) employees, who are primarily software engineers and marketing specialists who  
17 perform absolutely no transportation services; so Dolly does not perform background check on its corporate  
18 employees. Because the underlying purpose of the rule is to ensure individuals who committed certain  
19 criminal offenses do not have access to consumers' homes and possessions, Dolly requests to be excluded  
20 from having to perform background checks on its employees, who do not enter consumer's homes.

#### 21 **5. Dolly Requests an Exemption from WAC 480-15-620**

22 WAC 480-15-620 requires carriers to provide customers with a Commission publication when the  
23 customer receives the written estimate. Although Dolly provides users with a written estimate, Dolly's only  
24 interaction with its users is through the platform. Requiring the Company to provide the publication  
25 imposes an undue hardship on because of the complications involved with rewriting the software.  
26 However, Dolly assures the Commission that it will modify the platform to provide consumers with the  
27 Commission publication while it makes these changes but requests to be exempt from this requirement  
28 while those changes are being made.

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<sup>21</sup> The carrier must also keep evidence that it has completed a criminal background check for every person the carrier intends to hire for as long as that person is employed and for three years thereafter.



1           **6. Dolly Requests an Exemption from WAC 480-15-630**

2           The underlying purpose of WAC 480-15-630 is to ensure users receive clear and transparent  
3 estimates. When the platform provides the user with a guaranteed price, they can either accept or reject it.  
4 Users are very satisfied with Dolly’s estimates and pricing, and consistently rate this experience and the  
5 Company 4.5 out of 5 stars. The rule imposes an undue hardship on the Company because the platform’s  
6 pricing algorithm provides clear rates that are more affordable than the rates even though neither the user  
7 nor the Company sign the price estimate. Requiring signatures detracts from the ease of use that users  
8 prefer and expect when they post the details of their move. As such, it is in the public interest to grant an  
9 exemption from the rule because the Company already satisfies the underlying purpose of the rule and users

10           **7. Dolly Requests to be Exempt from WAC 480-15-710**

11           WAC 480-15-710 requires carriers to issue customers a bill of lading. Specifically, the rule states:

- 12           (1) A bill of lading is a shipping document issued by the household goods carrier, signed by both  
13           the customer and the household goods carrier that establishes a legal contract with terms and  
14           conditions for a shipment of household goods. Emphasis added.  
15           (2) The carrier must issue a bill of lading for each shipment of household goods it transports and  
16           must give the customer a completed copy of the bill of lading used for the customer’s shipment.  
17           (3) The carrier must include the information in a bill of lading as described in the Commission’s  
18           tariff.  
19           (4) The carrier must keep the bill of lading and all associated documents for three years from the  
20           date the move was completed.

21  
22           The rule imposes an undue hardship on Dolly because the Company proposes to comply with an  
23 individual tariff filed pursuant to WAC 480-15-520 submitted in conjunction with this Petition. In the event  
24 the Commission does not approve the Company’s individual tariff, Dolly further requests to be exempt from  
25 rule 480-15-710 because the platform provides the Helper and the consumer with the information necessary  
26 to document and memorialize their agreement reflecting the cost and components of their agreement, e.g.,  
27 the items transported, the distance, the shipping and receiving destinations, the names of the parties, and the  
28 price. The platform already satisfies purpose of the rule which is capturing the essential terms of an  
29 agreement necessary to “establish a legal contract” under the rule thus satisfying the public interest of  
30 ensuring a legally enforceable contract is created.

31           **8. Dolly Requests to be Exempt from WAC 480-15-750**

32           This rule requires carriers to follow the requirement of Tariff 15-C as it applies to weight of the  
33 shipment. The rule imposes an undue hardship on Dolly because the Company has submitted and proposes  
34 to adhere to an individual tariff filed pursuant to WAC 480-15-520. In the event the Commission does not

1 approve the Company's individual tariff, Dolly further requests to be exempt from rule 480-15-750 because  
2 neither Dolly, nor the Helper, have the ability to weigh the items being transported. The platform actually  
3 uses an algorithm that provides a guaranteed price quote based on a number of factors, including the  
4 estimated weight of the item being transported. For example, the software knows that a loveseat will  
5 typically weigh more than a chair but less than a refrigerator and adjusts the price quoted to the user to  
6 account for the difference in weight.

7 Many of the independent contractors who perform the moves do not have tire scales to weigh the  
8 goods as the vast majority of shipments would likely not register on those scales as they are typically small  
9 loads weighing less than 200 pounds. As a result, they too, rely on the user's weight estimate. Requiring  
10 Dolly to base the price of a shipment on its weight causes an undue burden because Dolly's proprietary  
11 pricing software algorithm uses several factors, including the user's weight estimate, to determine the cost.  
12 As such, it is in the public interest to grant Dolly's exemption request.

### 13 **9. Dolly Requests to be Exempt from the Requirement to Obtain a USDOT Number**

14 The requirement for a USDOT No. under WAC's 480-14-010, -290, -300 and 480-15-900 are  
15 applicable only if a carrier engages in interstate transportation for compensation. Dolly does not own any  
16 vehicles and Helpers do not transport items across state lines. Under the rules, both actions are required to  
17 trigger the necessity to obtain a USDOT No. Nevertheless, Dolly has applied for a USDOT No. and that  
18 application is currently pending.<sup>22</sup> Dolly requests to be exempt from the requirement until the FMCSA  
19 approves Dolly's application because it does not own vehicles or transport items interstate.

### 20 **V. CONCLUSION**

21 For the above stated reasons, Dolly requests the Commission grant its requests to be exempted from  
22 WAC 480-15-490, -530, -550, -555, -710, -750, and the requirement to obtain a USDOT Number.

DATED this 13<sup>TH</sup> day of August 2019.

Respectfully Submitted,



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Armikka Bryant, General Counsel  
Dolly, Inc.

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<sup>22</sup> Dolly's current USDOT No. is 3312177 but as of the date of this filing the Company's Operating Status is currently "not authorized" while the FMCSA processes the remaining BOC-3 (Registered Agent) and Insurance documents. See Attachment D – FMCSA Operating Authority - Status Inquiry (Aug. 12, 2019).

**From:** Dotson, Michael (UTC) michael.dotson@utc.wa.gov   
**Subject:** RE: Notice of Deficient Household Goods Moving Application - Dolly Inc.  
**Date:** July 18, 2019 at 2:59 PM  
**To:** Armikka Bryant armikka@dolly.com



Thanks Armikka, as far as the insurance commission thing, at some point our attorney's decided that authorized and admitted go hand in hand. There might be an argument to be made there, but in Dolly's case it's probably not worth the effort. Regardless of the interpretation, we would need the Form E and Form H filing, those are clearly written into the rule. In my opinion, if the insurance forms can't be obtained, submitting the exemption request for the insurance filings would make the most sense.

Mike

**From:** Armikka Bryant [mailto:armikka@dolly.com]  
**Sent:** Thursday, July 18, 2019 1:27 PM  
**To:** Dotson, Michael (UTC) <michael.dotson@utc.wa.gov>  
**Subject:** Re: Notice of Deficient Household Goods Moving Application - Dolly Inc.

Hi Mike,

I'm more than happy to jump on a call with you and talk through these issues with you and have provided some very high-level responses below:

### 1. Form E

Dolly has both public liability and property damage insurance coverage, however, because it is contingent coverage (i.e. in excess of the driver's coverage) Dolly cannot obtain the Form E filing.

### 2. James River

The OIC webpage only lists insurers that are admitted (backed by the state guaranty), not those that are authorized. James River is not backed by the state but is authorized, as required under WAC 480-15-530(1)(a), to write insurance in the state.

Will you please clarify if I am misunderstanding your message or if there is rule or statute stating the insurer must be admitted in addition to being authorized?

Also, Dolly filed a petition for exemptions from WAC 480-15-530 and 480-15-550 in Docket TV-190353. If necessary, I will resubmit the petition.

Thank you,  
Armikka

Armikka Bryant  
General Counsel  
901 Fifth Avenue  
Suite 600  
Seattle, WA 98104-3188

[646.303.3533](tel:646.303.3533)  
[armikka@dolly.com](mailto:armikka@dolly.com)  
[dolly.com](http://dolly.com)

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On Tue, Jul 16, 2019 at 2:24 PM Dotson, Michael (UTC) <[michael.dotson@utc.wa.gov](mailto:michael.dotson@utc.wa.gov)> wrote:

July 16, 2019

Dolly, Inc.  
d/b/a Dolly  
901 5th Ave, Suite 600  
Seattle, WA 98164

Re: **Notice of Deficient Application**  
Docket # TV-190593

Dear Dolly, Inc.:

The following items need to be completed and/or corrected for prompt processing of your application for operating authority. Please complete and return to our office by August 16, 2019. You may not operate until these issues are resolved and you have received your approved permit.

- Request a Uniform Motor Carrier Certificate of Insurance (Form E) and proof of Cargo Insurance from your insurance company. The insurance must show your legal name, and, the Washington Utilities and Transportation Commission (WUTC) must be shown as the certificate holder. Please ask your insurance company to email the insurance to [transportation@utc.wa.gov](mailto:transportation@utc.wa.gov).
- “James River Insurance Company” is not authorized to write policies in the state of Washington. Washington Administrative Code [WAC 480-15-530\(1\)](#) describes the insurance requirements in detail. You’ll need to secure insurance from a company that is on the admitted list with our state [Office of the Insurance Commissioner](#) or request an exemption of Washington Administrative Code, [WAC 480-15-530\(1\)](#) consistent with the requirements of [RCW 48.15](#).
- Per [WAC 480-15-302\(3\)](#) all persons listed in the application must provide identification. Please provide a copy of Armikka Bryant’s government issued ID.

**Who do I contact if I have questions?**

You may call 360-664-1222 or e-mail us at [transportation@utc.wa.gov](mailto:transportation@utc.wa.gov).

Thank you,

Licensing Services

Washington Utilities and Transportation Commission

# James River Insurance Company

**A.M. Best #:** 012604    **NAIC #:** 12203    **FEIN #:** 222824607

**Mailing Address**

P.O. Box 27648  
Richmond, VA 23261  
United States

[View Additional Address Information](#)

**Web:** [www.jamesriverins.com](http://www.jamesriverins.com)

**Phone:** 804-289-2700



Assigned to insurance companies that have, in our opinion, an excellent ability to meet their ongoing insurance obligations.

[View additional news, reports and products for this company.](#)

Based on A.M. Best's analysis, 055488 - James River Group Holdings, Ltd. is the **AMB Ultimate Parent** and identifies the topmost entity of the corporate structure. [View a list of operating insurance entities in this structure.](#)

## Best's Credit Ratings

### Financial Strength Rating View Definition

**Rating:** A (Excellent)  
**Affiliation Code:** g (Group)  
**Financial Size Category:** X (\$500 Million to \$750 Million)  
**Outlook:** Stable  
**Action:** Affirmed  
**Effective Date:** August 14, 2018  
**Initial Rating Date:** July 03, 2003

### Long-Term Issuer Credit Rating View Definition

**Long-Term:** a  
**Outlook:** Stable

**Action:** Affirmed  
**Effective Date:** August 14, 2018  
**Initial Rating Date:** November 18, 2005

u Denotes Under Review Best's Rating

### Best's Credit Rating Analyst

**Rating Office:** A.M. Best Rating Services, Inc.

**Associate Director :** Robert Raber

**Senior Director:** Gregory T. Williams

*Note: See the Disclosure information Form or Press Release below for the office and analyst at the time of the rating event.*

### Disclosure Information

#### Disclosure Information Form

[View A.M. Best's Rating Disclosure Form](#)

#### Press Release

A.M. Best Affirms Credit Ratings of James River Group Holdings Ltd and Subsidiaries; Assigns Credit Ratings to Carolina Re Ltd  
 August 14, 2018

## Rating History

A.M. Best has provided ratings & analysis on this company since 2003.

### Financial Strength Rating

#### Effective Date Rating

8/14/2018	A
8/18/2017	A
7/29/2016	A
6/26/2015	A-
5/20/2014	A-

### Long-Term Issuer Credit Rating

**Effective Date Rating**

8/14/2018	a
8/18/2017	a
7/29/2016	a
6/26/2015	a-
5/20/2014	a-

**Best's Credit Reports**



Best's Credit Report - Where applicable, includes Best's Financial Strength Rating and rationale along with comprehensive analytical commentary, detailed business overview and key financial data. Report Revision Date: 6/5/2019 (represents the latest significant change).



Historical Reports are available in Best's Credit Report Archive.

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**Press Releases**

<u>Date</u>	<u>Title</u>
Aug 14, 2018	A.M. Best Affirms Credit Ratings of James River Group Holdings Ltd and Subsidiaries; Assigns Credit Ratings to Carolina Re Ltd
Feb 23, 2018	A.M. Best Comments on Credit Ratings of JRG Reinsurance Company, Ltd. and Its Affiliates
Aug 18, 2017	A.M. Best Affirms Credit Ratings of JRG Reinsurance Company, Ltd. and Its Affiliates
Jul 29, 2016	A.M. Best Upgrades Ratings of JRG Reinsurance Company, Ltd. and Its Affiliates
Jun 26, 2015	A.M. Best Assigns Rating to James River Group Holdings, Ltd. and Affirms Ratings of Its Subsidiaries
May 20, 2014	A.M. Best Revises Outlook for Ratings of JRG Reinsurance Company, Ltd. and Its Affiliates
Jan 23, 2013	A.M. Best Affirms Ratings of JRG Reinsurance Company, Ltd. and Certain Affiliates
Nov 03, 2011	A.M. Best Places Ratings of Infinity Specialty Insurance and Infinity General Insurance Under Review With Negative Implications
Sep 30, 2009	A.M. Best Assigns Ratings to James River Casualty Company
Jun 12, 2007	A.M. Best Comments on the Announced Acquisition of James River Group, Inc. by the D. E. Shaw Group

1 2      Page size: 10      12 items in 2 pages

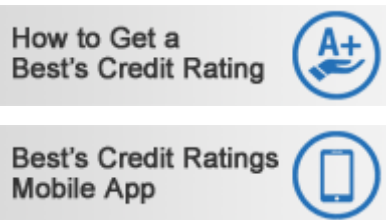
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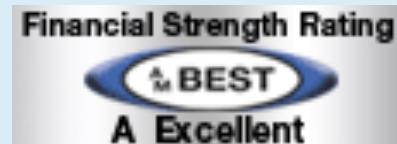
# First Mercury Insurance Company

**A.M. Best #:** 011883    **NAIC #:** 10657    **FEIN #:** 383299471

**Administrative Office**

305 Madison Avenue  
 Morristown, NJ 07962  
 United States

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Assigned to insurance companies that have, in our opinion, an excellent ability to meet their ongoing insurance obligations.

**Web:** cfins.com

**Phone:** 248-358-4010

**Fax:** 248-358-2202

[View additional news, reports and products for this company.](#)

Based on A.M. Best's analysis, 058364 - Fairfax Financial Holdings Limited is the **AMB Ultimate Parent** and identifies the topmost entity of the corporate structure. [View a list of operating insurance entities in this structure.](#)

## Best's Credit Ratings

### Financial Strength Rating View Definition

**Rating:** A (Excellent)  
**Affiliation Code:** r (Reinsured)  
**Financial Size Category:** XIII (\$1.25 Billion to \$1.5 Billion)  
**Outlook:** Stable  
**Action:** Affirmed  
**Effective Date:** April 30, 2019  
**Initial Rating Date:** July 21, 1997

### Long-Term Issuer Credit Rating View Definition

**Long-Term:** a  
**Outlook:** Stable

**Action:** Affirmed  
**Effective Date:** April 30, 2019  
**Initial Rating Date:** May 04, 2007

u Denotes Under Review Best's Rating

### Best's Credit Rating Analyst

**Rating Office:** A.M. Best Rating Services, Inc.

**Director:** Jennifer Marshall, CPCU, ARM

**Senior Director:** Michael J. Lagomarsino, CFA, FRM

*Note: See the Disclosure information Form or Press Release below for the office and analyst at the time of the rating event.*

### Disclosure Information

#### Disclosure Information Form

View A.M. Best's Rating Disclosure Form

#### Press Release

AM Best Affirms Credit Ratings of Fairfax Financial Holdings Limited and Majority of Its Subsidiaries  
 April 30, 2019

## Rating History

A.M. Best has provided ratings & analysis on this company since 1997.

### Financial Strength Rating

#### Effective Date Rating

4/30/2019	A
2/28/2018	A
10/20/2016	A
6/4/2015	A
5/30/2014	A

### Long-Term Issuer Credit Rating

**Effective Date Rating**

4/30/2019	a
2/28/2018	a
10/20/2016	a
6/4/2015	a
5/30/2014	a

**Best's Credit Reports**

Best's Credit Report - Where applicable, includes Best's Financial Strength Rating and rationale along with comprehensive analytical commentary, detailed business overview and key financial data. Report Revision Date: 5/29/2019 (represents the latest significant change).



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**Press Releases**

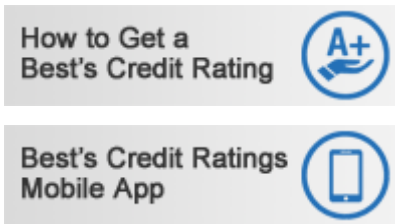
<u>Date</u>	<u>Title</u>
Apr 30, 2019	AM Best Affirms Credit Ratings of Fairfax Financial Holdings Limited and Majority of Its Subsidiaries
Feb 28, 2018	A.M. Best Affirms Credit Ratings of Fairfax Financial Holdings Limited and Majority of Its Subsidiaries
Oct 20, 2016	A.M. Best Affirms Credit Ratings of Fairfax Financial Holdings Limited and Majority of Its Subsidiaries
Jun 04, 2015	A.M. Best Affirms Ratings of Fairfax Financial Holdings Limited and Majority of its Subsidiaries
May 30, 2014	A.M. Best Affirms Ratings of Fairfax Financial Holdings Limited and Its Subsidiaries
Mar 28, 2013	A.M. Best Affirms Ratings of Fairfax Financial Holdings Limited and Its Subsidiaries
May 03, 2012	A.M. Best Affirms Ratings of Fairfax Financial Holdings Limited and Most of Its Operating Companies
Aug 08, 2011	A.M. Best Affirms Ratings of First Mercury Insurance Company and Its Affiliates
Mar 18, 2011	A.M. Best Upgrades Ratings of First Mercury Group and Its Members
Nov 09, 2010	A.M. Best Affirms Ratings of Valiant Insurance Company and Valiant Specialty Insurance

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Armikka Bryant &lt;armikka@dolly.com&gt;

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**Operating Authority - Status Inquiry [Incident: 190812-003366]**

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Reply-To: FMCSA Customer Service <fmcsa\_ask@mailfg.custhelp.com>  
To: armikka@dolly.com

Mon, Aug 12, 2019 at 1:23 PM



Recently you requested assistance from FMCSA Contact Center support. Below is a summary of your request and our response. If this issue is not resolved to your satisfaction, please contact us again and provide the incident reference # below. Thank you for allowing us to be of service to you.

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**Subject****Operating Authority - Status Inquiry****Response By Email (Karla L) (08/12/2019 04:23 PM)**

Hello,

**BOC-3 Form:**

For the BOC-3 form please the link below:

<https://www.fmcsa.dot.gov/registration/form-boc-3-designation-agents-service-process>

Click on the PDF file to download and print the form.

**Where to File**

File the original signed copy with:

FMCSA  
Office of Registration and Safety Information, MC-RS  
[1200 New Jersey Avenue SE](#)  
[Room W65-206](#)  
Washington, DC 20590

One signed copy should be filed with each state in or through which the operation is conducted; and one copy should be retained by the carrier, broker, or freight forwarder. CHANGES in designation may be made only by filing with the FMCSA, a new form BOC-3. Copies of new designations need to be sent only to those states affected by the change or new filing. Either INDIVIDUAL or BLANKET designations may be made.

If you want the BOC-3 form to be submitted electronically instead, you may hire a process agent for them to e-file it on your behalf.

Below is a list of processing agents found on our FMCSA web site to file the **BOC-3 form** on behalf of the carrier:

<https://www.fmcsa.dot.gov/registration/process-agents>

**INSURANCE:**

Insurance companies that wish to file insurance forms online need to set up a filer account with FMCSA. Please submit a request to the Insurance Team with the following information:

- Letter on the insurance company's letterhead requesting a filer account
- Home office address of the insurance company
- Billing address, if that address is different from the home office address
- Name of a contact person with that insurance company
- Contact person's telephone and fax numbers
- Billing contact person's telephone and fax number if it is different than the home office contact person
- Copy of the insurance company's state license
- E-mail address of the contact person if available
- Preferred user name for the account (if any)
- Employer Identification Number (EIN) or Tax Identification Number (TIN)

**Please note that filer accounts are only available for the insurers, NOT for insurance agents.**

Submit your request to FMCSA by email at [mc-ecc.comments@dot.gov](mailto:mc-ecc.comments@dot.gov), [submit it via our web form](#), or mail it to:

FMCSA  
Office of Registration and Safety Information (MC-RS)  
[1200 New Jersey Avenue SE](#), W63-105  
Washington, DC 20590

If you have additional questions or need further assistance please contact us via email <https://ask.fmcsa.dot.gov/app/ask> , chat with a live agent [https://ask.fmcsa.dot.gov/app/chat/chat\\_launch](https://ask.fmcsa.dot.gov/app/chat/chat_launch) or call the FMCSA contact center number listed below.

Thank you,

FMCSA Contact Center  
Phone: 1-800-832-5660  
Ask a Question: <https://ask.fmcsa.dot.gov/app/ask/>

Reminder: You may update your record immediately at our FMCSA registration portal which can be accessed from [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

**Question Reference # 190812-003366**

Date Created: 08/12/2019 04:23 PM

Date Last Updated: 08/12/2019 04:23 PM

Status: Solved

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The Unified Registration System is here! For more information on how the phased approach affected new applicants (12/12/2015) and those already registered (later phases), [click here](#).

Questions for the Federal Motor Carrier Safety Administration? Please [Contact Us](#).

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[--001:003298:03284--]