

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of AFFORDABLE MOVERS, LLC For Compliance with WAC 480-15-560 and WAC 480-15-570	DOCKET TV-190691 ORDER 01 APPROVING SAFETY MANAGEMENT PLAN; EXTENDING PROVISIONAL AUTHORITY
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BACKGROUND

- 1 On August 29, 2019, 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 Affordable Movers, LLC, (Affordable Movers or Company) for Compliance with Washington Administrative Code (WAC) 480-15-560 and WAC 480-15-570 (Notice).
- 2 The Notice explained that, based on its August 2019 compliance review of Affordable Movers' operations, Commission staff (Staff) recommends that the Commission cancel the Company's household goods carrier permit for cause unless the Company obtains Commission approval of a safety management plan no later than October 12, 2019. The Commission directed Affordable Movers to file a proposed safety management plan by September 23, 2019. The Commission also set a brief adjudicative proceeding for September 30, 2019, at 9:30 a.m. to determine whether the Commission should cancel Affordable Movers' household goods carrier permit.
- 3 On September 23, 2019, Affordable Movers submitted a proposed safety management plan.
- 4 On September 24, 2019, Staff filed with the Commission its evaluation of the Company's safety management plan (Evaluation). Staff determined, based on its review of the Company's proposed plan, that the Company took all of the required steps to bring its safety operations into compliance with Commission regulations. Staff thus recommends that the Commission allow the Company to maintain its household goods permit, but requests that the Commission extend the Company's provisional permit status until such time the Company achieves a satisfactory safety rating. Staff plans to conduct a follow-up review of Affordable Movers' operations in approximately six months.
- 5 That same day, Staff filed a letter requesting the Commission cancel the brief adjudicative proceeding and decide this matter on a paper record.

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

6 On September 25, 2019, the Commission issued a notice canceling the September 30, 2019, hearing and informing the parties that the Commission would enter an order based on the parties' written submissions.

DISCUSSION AND DECISION

7 Washington Law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's August 2019 compliance review of Affordable Movers found 75 violations of critical safety regulations, which resulted in a proposed "conditional" safety rating.

8 On September 23, 2019, the Company submitted its proposed safety management plan and requested the Commission allow it to maintain its household goods carrier permit. Staff determined that Affordable Movers' safety management plan 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 Affordable Movers' safety management plan is acceptable and satisfies the legal requirements of 49 CFR Part 385. We agree. Staff recommends the Company be allowed to maintain its permit, but requests the Commission extend the Company's provisional authority until such time the Company achieves a satisfactory safety rating.

9 Based on Staff's Evaluation, the Commission finds that the Company has achieved compliance with WAC 480-15-180, WAC 480-15-560, and WAC-480-15-570 by correcting the violations that led to the proposed "conditional" safety rating. Accordingly, the Commission agrees with Staff's recommendation and will allow the Company to maintain its household goods carrier permit.

10 We also agree with Staff's recommendation to extend the Company's provisional period for its household goods operating authority. 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.

11 We find that Affordable Movers' safety management plan demonstrates the Company's commitment to making substantial progress toward a satisfactory safety rating. Staff's follow-up review in six months provides an additional safeguard that weighs in favor of allowing the Company to maintain its permit. Accordingly, the Commission finds good

cause to extend the Company's provisional period until such time the Company achieves a satisfactory safety rating.

FINDINGS AND CONCLUSIONS

- 12 (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.
- 13 (2) Affordable Movers is a household goods carrier subject to Commission regulation.
- 14 (3) Affordable Movers committed 75 violations of WAC 480-15.
- 15 (4) Affordable Movers cured the deficiencies that led to the proposed "conditional" safety rating. Accordingly, Affordable Movers should be allowed to maintain its household goods carrier permit.
- 16 (5) Pursuant to WAC 480-15-305(1)(b), the Commission should find good cause to extend Affordable Movers' provisional period until such time the Company achieves a satisfactory safety rating.

ORDER

THE COMMISSION ORDERS THAT:

- 17 (1) Affordable Movers, LLC's safety management plan is approved.
- 18 (2) Affordable Movers, LLC's provisional period is extended until such time the Company achieves a satisfactory safety rating.
- 19 (3) Commission Staff will conduct a follow-up investigation in approximately six months from the date of this Order.

DATED at Olympia, Washington, and effective September 30, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
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 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this initial order to file a petition for administrative review (Petition). Section (2)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-825(2)(c) states that any party may file a response to a Petition within 10 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 essential to a decision, but unavailable and not reasonably discoverable with due diligence 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 480-07-825(1) 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).