

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of CLUTTER, INC., Petitioner, Seeking Exemptions from Tariff 15-C and Certain Provisions of WAC 480-15; Seeking Amendments to Tariff 15-C	DOCKET TV-210535 ORDER 07
In the Matter of the Petition of WASHINGTON MOVERS CONFERENCE, Petitioner, Seeking Amendments to Tariff 15-C	DOCKET TV-210812 ORDER 05 GRANTING EXTENSION TO TEMPORARY REVISIONS TO TARIFF 15-C

BACKGROUND

- 1 On July 2, 2021, Clutter, Inc., (Clutter) filed with the Washington Utilities and Transportation Commission (Commission) a Petition in Docket TV-210535 to Revise Household Goods (HHG) Tariff 15-C (Tariff 15-C) and for Exemption from Certain Provisions of Tariff 15-C and Washington Administrative Code (WAC) 480-15 related to (1) how rates and storage fees are assessed, (2) billing time increments, (3) definitions related to the permanent storage of HHG, and (4) minimum hourly requirements (Clutter’s Petition). In its Petition, Clutter requested the Commission open a process to discuss revisions to Tariff 15-C to address modifying the rules from which it sought temporary exemption.
- 2 October 11, 2021, the Washington Movers Conference (WMC) filed a Petition to Revise Tariff 15-C in Docket TV-210812, requesting the Commission eliminate the maximum tariff rate band and maintain a “reasonable minimum rate band” (WMC Petition).¹
- 3 On October 14, 2021, the Commission issued Order 01 in Docket TV-210535, which granted Clutter several temporary exemptions from Tariff 15-C and Commission rules and directed Commission Staff (Staff) to initiate a holistic review of Tariff 15-C.

¹ WMC Petition to Revise Tariff 15-C, p. 3 (Oct. 11, 2021).

4 On February 22, 2022, the Commission issued a Notice of Consolidation and Opportunity
to Submit Comments, consolidating Dockets TV-210535 and TV-210812 and requesting
comments from interested persons regarding the proposals in both Petitions. The
Commission subsequently convened a workshop on May 5, 2022, to discuss proposed
revisions to Tariff 15-C with Clutter, WMC, industry representatives, and other interested
persons.

5 On May 10, 2022, WMC filed an Amended Petition requesting the removal of the
maximum rate band contained in Tariff 15-C for a period of six months.

6 On May 16, 2022, the Commission issued a supplemental notice, requesting additional
information to expand the record and help Staff develop a recommendation regarding the
proposed tariff changes.

7 On May 26, 2022, the Commission issued Order 03 in these consolidated Dockets, which
denied WMC's request to remove the maximum rate band for six months and authorized
Rate Increase Supplement No. 2022-1 (Tariff Supplement). In Order 03, the Commission
found that neither WMC's October 11, 2021, Petition nor its Amended Petition provided
sufficiently detailed information related to company costs, nor did it identify any
elements to be studied during the six-month period or provide any framework for
evaluating the study period.

8 The Tariff Supplement adopted by Order 03 authorized a temporary 12.1 percent increase
to all maximum rates and charges contained in Tariff 15-C until Staff completed its
review of Tariff 15-C in these consolidated Dockets.

9 On March 10, 2023, Clutter filed a motion requesting further extension of the exemptions
granted to the company until June 30, 2023, or until Staff completes its review of Tariff
15-C, whichever occurs sooner.² The Commission granted Clutter's motion on March 27,
2023, in Order 05.

² On April 20, 2022, Clutter filed a motion to extend the exemption granted in Order 01, and on
April 28, 2022, the Commission entered Order 02, granting Clutter an extension of the
exemptions granted in Order 01 until the earlier of: (1) December 31, 2022, (2) the date the
Commission ends the investigation into Tariff 15-C, or (3) the effective date of new rules or
amendments to Tariff 15-C.

On November 29, 2022, the Company filed a motion requesting further extension of the
exemption until March 31, 2023, and on December 22, 2022, the Commission entered Order 04,
granting Clutter an extension of the exemptions granted in Order 01 until the earlier of: (1) March
31, 2023, (2) the date the Commission ends the investigation into Tariff 15-C, or (3) the effective
date of new rules or amendments to Tariff 15-C.

- 10 On May 12, 2023, the Commission issued a Notice of Opportunity to File Written Comments and Notice of Item to Be Heard at Open Meeting, which provided notice to the public and interested persons that the Commission would address Staff's proposed revisions to Tariff 15-C at its regularly scheduled open meeting on June 29, 2023. Staff's proposed revisions to Tariff 15-C were included with the notice.
- 11 On June 8, 2023, the Commission issued a Notice of Workshop to Discuss Proposed Revisions to Tariff 15-C.
- 12 On June 20, 2023, the Commission convened a second workshop to discuss Staff's proposed revisions to Tariff 15-C. At the workshop, HHG carriers and WMC proposed a 25-30 percent increase to the maximum tariff rate band.
- 13 On June 22, 2023, WMC filed an "Emergency Petition" to request that the Commission amend Tariff 15-C to modify the description of Small Goods Transportation and Storage to limit the definition of "small goods" to seasonal items. The Commission construes the petition as comments on the proposed revisions to Tariff 15-C.³
- 14 On June 29, 2023, the Commission issued Order 06/04 in these combined dockets authorizing a temporary amendment to Rate Increase Supplement No. 2022-1 to increase the maximum rates set by Tariff 15-C by 20 percent to become effective July 1, 2023, and expire on January 1, 2024. Also in that order the Commission directed Staff to open a rulemaking to examine whether the maximum rate band should be eliminated, to conclude by December 31, 2023.
- 15 Although Staff has now largely finished its review, workload and Staffing issues have delayed the start of the rulemaking process. Staff explains that the CR-101 was issued November 29, 2023, and the rulemaking process will not conclude before the expiration date of December 31, 2024, set in Order 06/04. Staff now petitions the Commission for an extension of the expiration date of the temporary amendment to June 30, 2024.

³ Staff submits that there is no procedural mechanism available to WMC to file an emergency petition to amend Tariff 15-C. Even under the standard applied in rulemakings, emergency agency action may only be taken if necessary to preserve the public health, safety, or general welfare. See RCW 34.05.350. WMC's basis for its proposals related to the transportation of small goods does not constitute an "emergency" under this standard. The Commission nevertheless addresses WMC's concerns in this Order.

16 This matter came before the Commission at the recessed open meeting on December 28,
2023.

DISCUSSION

17 We approve Staff's request for an extension of the revisions to the Tariff 15-C,
Supplement to provide an extension until June 30, 2024 of the temporary, 20 percent
increase to the maximum rate band and other changes to reflect rising inflation costs. We
find that, with this modification, the proposed changes are reasonable and consistent with
the public interest.

FINDINGS AND CONCLUSIONS

18 (1) The Commission is an agency of the State of Washington vested by statute with
the authority to regulate the rates, rules, regulations, practices, accounts, and
affiliated interests of public service companies, including household goods
carriers.

19 (2) Staff recommends that the Commission enter an order granting an extension
of the temporary 20 percent increase to the maximum rate band, until June
30, 2024.

20 (3) This matter came before the Commission at its Recessed Open Meeting on
December 28, 2023.

21 (4) After reviewing Staff's recommendation and giving due consideration to all
matters and for good cause shown, the Commission finds that expiration of the
temporary rates in Tariff 15-C and the Tariff Supplement should be extended
until the conclusion of the rulemaking.

ORDER

THE COMMISSION ORDERS:

22 (1) Effective January 1, 2024, the revisions proposed to Tariff 15-C are adopted
for use by all carriers transporting household goods in the state of Washington
that are subject to Commission regulation.

- 23 (2) The Commission extends the temporary amendment to Rate Increase Supplement No. 2022-1 to increase the maximum rates set by Tariff 15-C by 20 percent to expire on June 30, 2024.
- 24 (3) Commission Staff is directed to proceed with the rulemaking to conclude, if possible, by June 30, 2024.
- 25 (4) The Commission retains jurisdiction over the subject matter to effectuate the provisions of this Order.
- 26 The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

Dated at Lacey, Washington, and effective December 28, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KATHY HUNTER
Acting Executive Director and Secretary