



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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February 9, 2024

NOTICE OF BENCH REQUEST
(Due by Monday, February 12, 2024, at 5 p.m.)

RE: *In the Matter of the Investigation of MARIK MOVERS, LLC For Compliance with WAC 480-14-300, WAC 480-15-560, and WAC 480-15-590,*

Docket TV-231020

TO STAFF:

BENCH REQUEST NO. 1:

On December 28, 2023, the Washington Utilities and Transportation (Commission) issued a Notice of Intent to Cancel Permit as a Household Goods Carrier; Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements (NOIC) against Marsik Movers LLC (Marsik Movers or Company).

This proceeding is related to WAC 480-15-999(1)(2), which incorporates by reference the federal safety requirements found in Title 49 of the CFR. Under the federal register, companies which are found to have deficient safety ratings may (1) challenge the rating on appeal, *see* 49 CFR 385.15; or (2) request a rating change, *see* 49 CFR 385.17. A carrier which chooses the latter must demonstrate corrective actions were taken to bring safety practices into compliance. *Id.* The carrier must also provide evidence that “its operations currently meet the safety standard and factors specified in §§ 385.5 and 385.7.” *Id.*

Further, under WAC 480-15-305(1)(b), in order to extend a company’s provisional authority beyond 18 months, the Commission must find “good cause” that the Company is “making substantial progress toward a satisfactory rating.” *But c.f.* 49 CFR §385.17(g) (limiting time period of extensions); 49 CFR § 385.323 (limiting time period of extensions). As a matter of Commission practice, these findings are generally made upon submission of a Safety Management Plan (SMP) by the Company to Staff and Staff’s subsequent evaluation of the

SMP filed to the docket. The current proceeding is the third time the Company has engaged in this process.

On February 9, 2024, Commission staff (Staff) filed its Evaluation of a Safety Management Plan (Evaluation) in this Docket. In separate correspondence with the presiding officer, Staff indicated that Exhibit JS-1 at page 5 contained the total number of miles driven by the Company under its provisional authority.

In order to aid in the wholistic analysis of whether “good cause” exists to extend, please provide the following:

1. A pdf copy of Schedule 1 from each of the final annual reports submitted by Marsik Movers since it began operation.
2. A summation of the miles tracked in the Schedule 1s.
3. An explanation of the “Total Miles Operated” on page 5 of JS-1.
4. A summation of the total recordable accidents in the Schedule 1s.
5. An explanation of the “Recordable Accidents” on page 5 of JS-1.
6. An explanation of the calculation of Factor 6 on page 15 of JS-1; indicate if page 6 of the submitted SMP is relevant to this calculation.
7. If any, please indicate the date of the last safety inspection passed by the Company.

Given the proposed cancelation date, and the compressed period of time for the presiding officer to fully consider this matter, I find good cause to require a shortened timeframe for this response. Please respond to these Bench Requests no later than Monday, February 12, 2024, by 5 p.m., by electronic filing with the Commission’s Records Center. Please provide courtesy email copies to all parties and the presiding administrative law judge. If you have any questions concerning these requests, please contact Administrative Law Bijan Hughes at 360-664-1139 or via email at bijan.hughes@utc.wa.gov.

/s/ Bijan Hughes
BIJAN HUGHES
Administrative Law Judge

cc: All Parties