



SIMBURG, KETTER,  
SHEPPARD & PURDY, LLP  
ATTORNEYS AT LAW

999 THIRD AVENUE, SUITE 2525  
SEATTLE, WASHINGTON 98104-4089  
(206) 382-2600  
FAX: (206) 223-3929  
www.sksp.com

JONATHAN I. FEIL  
DAVID E. KETTER  
GEORGE A. PURDY  
KENNETH A. SHEPPARD  
MELVYN JAY SIMBURG

*Of Counsel*  
MARK A. de REGT  
JAMES A. JACKSON  
JENNIFER L. JOHNSON PLLC  
HOWARD R. MERRILL  
ANDREW D. SCHAFER, P.S.

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 State Of WASH.  
 UTIL. AND TRANSP.  
 COMMISSION

September 15, 2017

Mr. Steve King  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

Re: TV 170747 - Tara Chila d/b/a Moves for Seniors

Dear Director King:

We represent Transit Systems, Inc. and its Moves for Seniors (“MFS”) division. I have been asked to respond to the pending hearing in the hope of an early resolution of the Commission’s concerns.

MFS is the household good freight brokerage division of Transit Systems, Inc. It describes its relationship to Transit Systems on its website. I am attaching a copy of website home page for the Commission’s convenience.

MFS is not a motor carrier. It holds brokerage authority issued by the Federal Highway Administration. I am attaching a copy of Transit Systems’ SAFER snapshot, showing the brokerage authority.

As a freight broker, MFS’ operations fall within the statutory preemption contained in 49 U.S.C. §14501(b)(1). That statute precludes the State of Washington from enacting or enforcing any statute or regulation having the effect of law with respect to the rates, routes or services of brokers and forwarders. Note, the brokerage preemption provision does not have the household goods carve out that Congress created for motor carriers. Compare, 49 U.S.C. §14501(b)(1) with 49 U.S.C. §14501(c)(1) and (c)(2).

Tara Chila does not drive a truck. She works in Transit Systems’ marketing department. She manages MFS’ social media channels. She works at the company’s corporate office in Wayne, PA. As such, as a factual matter, she does not operate, and has never operated, as a household goods carrier.

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Since MFS is not engaged in household goods carriage, the Commission's claims are factually baseless. More to the point, the Commission lacks the legal authority to enforce any Washington law that affects the rates, routes or services offered by MFS in its capacity as a freight broker. For the foregoing reasons, MFS respectfully requests that the Commission withdraw the above referenced proceeding and close its file.

If you require any additional information before responding to this letter, please do not hesitate to contact me.

Very truly yours,

SIMBURG KETTER SHEPPARD  
& PURDY, LLP

*Andrew D. Shafer*

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ADS:ah

Enclosure