

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

MOVING BAND LLC d/b/a SEATTLE
MOVING SERVICES,

For Compliance with WAC 480-15-570

DOCKET TV-210376

ORDER 01

APPROVING SAFETY
MANAGEMENT PLAN;
UPGRADING SAFETY RATING

BACKGROUND

- 1 On May 24, 2021, 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 Moving Band LLC d/b/a Seattle Moving Services (Moving Band or Company) for Compliance with Washington Administrative Code (WAC) 480-15-570 (Notice).
- 2 The Notice explained that Commission staff (Staff) conducted a compliance review of Moving Band’s operations between April and May 2021 and cited the Company for 60 violations of federal and state safety regulations, which resulted in a proposed “conditional” safety rating. Based on its review, Staff recommends the Commission cancel Moving Band’s household goods carrier’s permit unless the Company obtains Commission approval of a safety management plan. The Notice directed Moving Band to file a proposed safety management plan by July 1, 2021. The Commission also set a brief adjudicative proceeding (BAP) for July 15, 2021, at 9:30 a.m. to determine whether the Commission should cancel Moving Band’s household goods carrier’s permit.
- 3 On July 12, 2021, Moving Band submitted a proposed safety management plan. On July 13, 2021, Staff filed with the Commission its evaluation of the Company’s safety management plan (Evaluation).
- 4 Staff determined, based on its review of the Moving Band’s proposed plan, that the Company took all the required steps to bring its safety operations into compliance with Commission regulations. Staff recommends that the Commission upgrade the Company’s safety rating to “satisfactory.”
- 5 Staff’s Evaluation further states that Moving Band waives its right to a hearing, and Staff thus recommends that the BAP be cancelled.

6 On July 13, 2021, the Commission issued a Notice cancelling the July 15, 2021, 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 compliance review of Moving Band found 60 violations of Commission safety regulations; all of the violations were "critical," which resulted in a proposed "conditional" safety rating. Violations classified as "critical" are indicative of a breakdown in a carrier's management controls. Patterns of noncompliance with a critical regulation are quantitatively linked to inadequate safety management controls and usually higher-than-average accident rates.

8 On July 12, 2021, the Company submitted its proposed safety management plan and requested the Commission upgrade its safety rating to "satisfactory." Staff determined that Moving Band's safety management plan addresses each violation, identifies 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 Moving Band's safety management plan is acceptable and satisfies the legal requirements of 49 C.F.R. § 385. We agree.

9 Based on Staff's Evaluation, the Commission finds that the Company has achieved compliance with WAC 480-15 by correcting the violations that led to the proposed "conditional" safety rating. Accordingly, the Commission upgrades Moving Band's safety rating to "satisfactory."

FINDINGS AND CONCLUSIONS

10 (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.

11 (2) Moving Band is a household goods carrier subject to Commission regulation.

12 (3) Moving Band cured the deficiencies that led to Staff's recommendation to cancel the Company's household goods permit. Accordingly, Moving Band's safety rating should be upgraded to "satisfactory."

ORDER

THE COMMISSION ORDERS THAT:

- 13 (1) The Commission approves Moving Band LLC d/b/a Seattle Moving Services’ safety management plan.
- 14 (2) Moving Band LLC d/b/a Seattle Moving Services’ safety rating is upgraded to “satisfactory.”

DATED at Lacey, Washington, and effective July 23, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Samantha Doyle
SAMANTHA DOYLE
Administrative Law Judge

Service Date: July 23, 2021

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 480-07-610(7) provides that any party to this proceeding has 21 days after service of this initial order to file a petition for administrative review (Petition). Section (7)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-610(7)(c) states that any party may file a response to a Petition within 7 days after service of the Petition.

WAC 480-07-610(9) 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 does not 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).