

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Investigation of SMOOTH MOVES LLC For Compliance with WAC 480-15 |
| In the Matter of the Penalty Assessment against SMOOTH MOVES LLC in the amount of \$ 816,310 00 |

DOCKETS TV-210861 and
TV-210862
(Consolidated)

ORDER 02

GRANTING PAYMENT
ARRANGEMENT

BACKGROUND

- 1 On November 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 Smooth Moves LLC (Smooth Moves or Company) for Compliance with Washington Administrative Code (WAC) 480-15 (Notice).
- 2 The Notice explained that Commission staff (Staff) conducted a compliance review of Smooth Moves’ operations in November 2021 and cited the Company for 333 violations of critical federal and state safety regulations, which resulted in a proposed unsatisfactory safety rating. Based on its review, Staff recommended the Commission cancel Smooth Moves’ household goods carrier permit unless the Company obtains Commission approval of a safety management plan. The Notice directed Smooth Moves to file a proposed safety management plan by December 15, 2021. The Notice also set a brief adjudicative proceeding for December 29, 2021, at 9:30 a.m. to determine whether the Commission should cancel Smooth Moves’ household goods carrier permit.
- 3 On December 1, 2021, the Commission assessed a \$16,300 penalty (Penalty Assessment) against Smooth Moves for the safety violations discovered during Staff’s compliance review.
- 4 On December 15, 2021, Smooth Moves filed with the Commission a request for mitigation of the penalty, admitting the violations and requesting a hearing to present evidence to support its request.

- 5 On December 28, 2021, Staff informed the presiding officer that the Company had submitted a proposed safety management plan and that Staff had evaluated the proposed plan and determined it is acceptable. Staff indicated that the Company waived its right to a hearing in both dockets and requested the Commission cancel the brief adjudicative proceeding and decide this matter on a paper record. Also on December 28, 2021, the Commission issued a notice canceling the December 29 hearing and informing the parties that the Commission would enter an order based on the parties' written submissions.
- 6 On December 29, 2021, the Commission entered Order 01, Consolidating Dockets; Approving Safety Management Plan; Upgrading Safety Rating; Imposing and Suspending Penalties (Order 01). Order 01 assessed a reduced penalty of \$8,100 and suspended a \$5,500 portion of the penalty for two years, at which point the Commission will waive it, subject to the conditions that (1) Smooth Moves maintains a conditional safety rating, (2) Staff conducts a follow-up investigation at least six months from the effective date of Order 01, (3) Smooth Moves does not incur any repeat violations of acute or critical regulations upon reinspection, and (4) Smooth Moves pays the \$2,600 portion of the penalty that is not suspended within 10 days of the effective date of Order 01 or files jointly with Staff a proposed payment plan.
- 7 On January 11, 2022, Staff filed a letter in this docket informing the Commission that the Company requests to pay the penalty in 10 monthly installments, and that Staff supports the request. The Company and Staff jointly propose the following payment schedule:

| Installment | Due Date | Amount |
|-------------|--------------------|--------|
| 1 | February 15, 2022 | \$260 |
| 2 | March 15, 2022 | \$260 |
| 3 | April 15, 2022 | \$260 |
| 4 | May 16, 2022 | \$260 |
| 5 | June 15, 2022 | \$260 |
| 6 | July 15, 2022 | \$260 |
| 7 | August 15, 2022 | \$260 |
| 8 | September 15, 2022 | \$260 |
| 9 | October 17, 2022 | \$260 |
| 10 | November 15, 2022 | \$260 |

- 8 Staff also proposes that if Smooth Moves fails to pay any installment by the due date, the entire balance, including the suspended penalty, will become due and payable immediately.

DISCUSSION

9 The installment payment schedule Staff and the Company propose is reasonable. Accordingly, the Commission approves the proposal with one modification. Smooth Moves may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make its timely monthly installment until the full amount of \$2,600 is satisfied.

ORDER

THE COMMISSION ORDERS THAT:

- 10 (1) The \$2,600 unsuspended portion of the penalty is due and payable to the Commission in installments as set out in paragraph 7, above.
- 11 (2) If Smooth Moves LLC fails to pay any installment by 5 p.m. on the date it is due, the unpaid balance, as well as the \$5,500 suspended portion of the penalty, will immediately become due and payable without further order by the Commission.
- 12 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Lacey, Washington, and effective January 13, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.