

Docket No. TV-220509 - Vol. I

In the Matter of the Investigation of JFS Transport, Inc.

August 12, 2022



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Page 2	<p>1 ADMINISTRATIVE LAW JUDGE:</p> <p>2 RAYNE PEARSON</p> <p>3 Utilities and Transportation Commission</p> <p>4 1300 South Evergreen Park Drive Southwest</p> <p>5 Olympia, Washington 98504</p> <p>6 (360) 664-1160</p> <p>7 rayne.pearson@utc.wa.gov</p> <p>8</p> <p>9 FOR COMMISSION STAFF:</p> <p>10 HARRY FUKANO</p> <p>11 OFFICE OF THE ATTORNEY GENERAL</p> <p>12 Utilities and Transportation Commission</p> <p>13 PO Box 40128</p> <p>14 Olympia, Washington 98504</p> <p>15 harry.fukano@utc.wa.gov</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 4
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p>1 OLYMPIA, WASHINGTON; AUGUST 12, 2022</p> <p>2 9:30 a.m.</p> <p>3 -o0o-</p> <p>4</p> <p>5 JUDGE PEARSON: So let's be on the record.</p> <p>6 Good morning. This is Docket TV-220509,</p> <p>7 which is captioned: In the Matter of the Investigation</p> <p>8 of JFS Transport, Inc., doing business as Coast Movers,</p> <p>9 for compliance with Washington Administrative Code</p> <p>10 480-15.</p> <p>11 My name is Rayne Pearson. I use she/her</p> <p>12 pronouns, and I'm the Administrative Law Judge presiding</p> <p>13 over today's Brief Adjudicative Proceeding.</p> <p>14 Today is Friday, August 12th, 2022, and the</p> <p>15 time is approximately 9:33 a.m.</p> <p>16 I don't see anyone present on behalf of the</p> <p>17 company.</p> <p>18 But Mr. Fukano, let's go ahead and enter</p> <p>19 Staff's appearance and then we'll discuss how we're</p> <p>20 going to proceed.</p> <p>21 MR. FUKANO: Good morning, Judge Pearson.</p> <p>22 Harry Fukano appearing on behalf of Commission Staff.</p> <p>23 JUDGE PEARSON: Okay. Thank you.</p> <p>24 And before we came on the record, we</p> <p>25 discussed briefly that there has not been any</p>	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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<p>1 communication from the company. 2 So what I propose we do is take a recess 3 until 9:45 or until the company appears, whichever 4 occurs sooner. And during that recess, if Staff could 5 attempt to call the company and see if they plan to 6 appear today, that would be great. 7 And if you do hear from the company, please 8 send me a message via Teams. Otherwise, we will be in 9 recess until 9:45 or until we see the company appear on 10 the line. 11 And if the company does not make an 12 appearance, Mr. Fukano, I will entertain a motion for 13 default at 9:45. 14 And we are now in recess. 15 MR. FUKANO: Thank you, Judge. 16 (A break was taken from 17 9:34 a.m. to 9:45 a.m.) 18 JUDGE PEARSON: Let's be back on the record 19 following a brief recess. 20 The time is now 9:45 a.m. The Staff 21 attempted to contact the company, but did not -- was 22 unable to contact the company. 23 So at this time, I will entertain a motion 24 for default. 25 Mr. Fukano, if you want to walk through</p>	<p>1 Commission Staff and completed in June 2022, which 2 resulted in a proposed unsatisfactory safety rating for 3 JFS Transport. 4 The company had until August 5th, 2022, to 5 file a proposed Safety Management Plan, which it has not 6 done. 7 There was also a penalty assessment in the 8 amount of \$2,500 that was issued on July 25th, 2022, in 9 the same docket. And the company did not file an 10 application for mitigation of the penalty. 11 So with that, Mr. Fukano, we can just take a 12 brief break until you are ready to proceed. 13 MR. FUKANO: Thank you, Judge. 14 JUDGE PEARSON: All right. We will be in 15 recess. 16 (A break was taken from 17 9:47 a.m. to 9:50 a.m.) 18 JUDGE PEARSON: Mr. Fukano is ready, so 19 let's be back on the record. 20 MR. FUKANO: Thank you, Judge. 21 Assistant Attorney General Harry Fukano 22 appearing on behalf of Staff. 23 Staff, in light of the -- the failure of the 24 company to appear, would like to make a motion for a 25 default judgment, pursuant to RCW 34.05.440 and WAC</p>
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<p>1 Staff's evidence, including how service was accomplished 2 on the company, whenever you're ready. 3 MR. FUKANO: Yes, Judge Pearson. 4 And I just wanted to clarify for the record 5 that Staff did receive a -- was able to contact the 6 company's receptionist, but the company owner, 7 Mr. Sheridan, was not available. And so Staff has no 8 indication at this point that the company is intending 9 to attend the hearing this morning. 10 And one moment -- would it be appropriate 11 just to take a brief three-minute recess so I can pull 12 up some documents related to the service in this case? 13 JUDGE PEARSON: Absolutely. 14 I'm going to go ahead and give the summary 15 while we're on the record, if you want to start doing 16 that, Mr. Fukano. And then we'll take a brief recess 17 once I've summarized the case, so that we're ready to 18 jump right into it. 19 MR. FUKANO: Certainly. 20 JUDGE PEARSON: Okay. So on July 21, 2022, 21 the Commission served a Notice of Intent to Cancel and 22 Notice of Brief Adjudicative Proceeding setting time for 23 oral statements. 24 The Commission issued the Notice of Intent 25 to Cancel following a compliance review conducted by</p>	<p>1 480-07-450. 2 Staff further requests that the hearing 3 proceed in order to develop the record in this case. 4 JUDGE PEARSON: Okay. Thank you. 5 Mr. Fukano, that motion is granted, and you 6 may proceed. 7 MR. FUKANO: Thank you, Judge. 8 Turning first to the issue of the service of 9 the company. 10 Staff asks that the Commission take official 11 notice of several documents on file with the Commission 12 pursuant to WAC 480-07-495. Specifically, Staff 13 requests that the Commission take notice of the service 14 of the initial Notice of Intent to Cancel, which was 15 served on July 21st, 2022. 16 The Notice of Intent to Cancel includes a 17 proof of service that lists the service to the company, 18 JFS Transport, Incorporated, at JFSMoving@Yahoo.com. 19 Staff further requests that the Commission 20 take judicial notice of the fact that that, that 21 JFSMoving@Yahoo.com is the company's 22 Commission-registered contact email address. 23 Finally, Staff requests that the Commission 24 take judicial notice of a subsequent notice re-setting 25 the hearing date for today, August 12th, 2022, at 9:30,</p>

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1 sent to the company at -- on July 25th, 2022, also sent
 2 to JFSMoving@Yahoo.com.
 3 All of these documents just referenced are
 4 on file in this docket with the Commission.
 5 With that, Staff would like to call
 6 Investigator Francine Gagne to the stand.
 7 JUDGE PEARSON: Ms. Gagne, if you could turn
 8 on your camera.
 9 THE WITNESS: I believe so, one moment,
 10 Judge.
 11 Why is it not working? There we go.
 12 Okay, I'm here. Hello. Good morning.
 13 JUDGE PEARSON: Good morning.
 14 If you could please raise your right hand, I
 15 will swear you in.
 16 FRANCINE GAGNE, witness herein, having been first
 17 duly sworn on oath, was examined
 18 and testified as follows:
 19
 20 THE WITNESS: I do.
 21 JUDGE PEARSON: Okay. Mr. Fukano, you may
 22 proceed.
 23 DIRECT EXAMINATION
 24 BY MR. FUKANO:
 25 Q. Will you please state your name and spell your

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1 last name for the record?
 2 A. My name is Francine Gagne. Last name G-a-g-n-e.
 3 Q. And what is your current position with the
 4 Commission?
 5 A. I'm currently an investigator with Motor Carrier
 6 Safety.
 7 Q. What are your responsibilities in that position?
 8 A. Primarily it is to conduct safety compliance
 9 investigations on our regulated carriers.
 10 Q. What kind of training have you received for your
 11 role as an investigator?
 12 A. I had to attend and pass multiple classes
 13 offered by the Federal Motor Carrier Safety
 14 Administration, FMCSA.
 15 Q. How long have you been in your current position?
 16 A. I was hired to the Commission to this position
 17 in June of 2014.
 18 Q. I'd now like to ask some questions about the
 19 matter at issue in today's hearing.
 20 Are you familiar with JFS Transport,
 21 Incorporated?
 22 A. I am.
 23 Q. How did you become aware of the present matter
 24 involving JFS Transport?
 25 A. I was assigned to conduct their compliance

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1 investigation.
 2 Q. I am directing you to what has been previously
 3 labeled as proposed Exhibit FG-1.
 4 What is this exhibit?
 5 A. This is a copy of what we call the CAPRI's
 6 report. It is an end-of-investigation report with the
 7 findings.
 8 Q. Did you complete this report?
 9 A. I did.
 10 Q. What is the review date associated with this
 11 report?
 12 A. June 29th.
 13 Q. What does this report document?
 14 A. The report documents the violations of
 15 applicable WACs or RCWs or CFRs as that applies to the
 16 company.
 17 Q. Do you have any changes to make to this report?
 18 A. I do not.
 19 MR. FUKANO: At this time I move to admit
 20 proposed Exhibit FG-1 into evidence.
 21 JUDGE PEARSON: Thank you. That exhibit is
 22 admitted.
 23 (Exhibit FG-1 was admitted.)
 24 BY MR. FUKANO:
 25 Q. Inspector Gagne, did you find any violations

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1 during your investigation?
 2 A. I did.
 3 Q. How many violation types did you find?
 4 A. There was 13 different types of violations.
 5 Q. Of those 13 types, were any acute or critical?
 6 A. Two of them were acute; four were critical.
 7 Q. What regulation was the first acute violation
 8 related to?
 9 A. The first acute violation was attributed to the
 10 primary WAC 480-15-550.
 11 Q. And what does this WAC pertain to?
 12 A. The WAC pertains to the company's ability to
 13 obtain and maintain proper levels of cargo insurance.
 14 Q. How many violations of this WAC did you find?
 15 A. One.
 16 Q. Does that WAC have a CFR or Code of Federal
 17 Regulation equivalent?
 18 A. It does.
 19 Q. What is that?
 20 A. 387.7(a).
 21 Q. What regulation was the second acute violation
 22 related to?
 23 A. The primary, as listed on the report, is
 24 387.7(a); secondary is a WAC of 480-15-530.
 25 Q. What violation -- what does this violation

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1 **pertain to?**
 2 A. This pertains to the company being able to
 3 obtain and maintain liability insurance.
 4 **Q. How many violations of this CFR did you find?**
 5 A. One.
 6 **Q. Moving to the critical violations. What**
 7 **regulation was the first critical violation related to?**
 8 A. CFR 391.45(a).
 9 **Q. What does this violation pertain to?**
 10 A. The company using a driver not medically
 11 examined and certified.
 12 **Q. And how many violations of this regulation did**
 13 **you find?**
 14 A. Two.
 15 **Q. What regulation was the second critical**
 16 **violation related to?**
 17 A. 391.51(a).
 18 **Q. What does this regulation pertain to?**
 19 A. Failing to maintain driver qualification files
 20 on each driver employed.
 21 **Q. How many violations of this regulation did you**
 22 **find?**
 23 A. Two.
 24 **Q. What regulation was the third critical violation**
 25 **related to?**

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1 A. It was related to WAC 480-15-555.
 2 **Q. What does this WAC pertain to?**
 3 A. Obtaining or retaining paperwork concerning
 4 criminal background checks before hiring individuals
 5 that work for the company.
 6 **Q. Does that WAC have a CFR equivalent?**
 7 A. It does.
 8 **Q. And what is that equivalent?**
 9 A. 392.2.
 10 **Q. How many violations of this WAC did you find?**
 11 A. Seventeen.
 12 **Q. What regulation was the fourth critical**
 13 **violation related to?**
 14 A. 395.8(a)(1).
 15 **Q. And what does this -- this regulation pertain**
 16 **to?**
 17 A. Failing to require drivers to prepare records of
 18 duty status or hours of services.
 19 **Q. How many violations of this regulation did you**
 20 **find?**
 21 A. Forty-six.
 22 **Q. You labeled these violations as "acute" or**
 23 **"critical."**
 24 **What does the term "acute" mean in this context?**
 25 A. One moment, I'm looking at my notes.

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1 "Acute violations" are defined as those where
 2 noncompliance is so severe that they require immediate
 3 corrective action by a motor carrier regardless of its
 4 overall safety position, such as one-time occurrences.
 5 **Q. And what is --**
 6 A. I'm sorry.
 7 **Q. I interrupted. Please go ahead.**
 8 A. "Critical violations" are those which relate
 9 directly to the motor carrier's management and/or
 10 operational controls and are indicative of breakdowns in
 11 a motor carrier's management controls, such as a pattern
 12 of violations.
 13 **Q. I'm directing you to what has been labeled as**
 14 **proposed Exhibit FG-2.**
 15 **What is this exhibit?**
 16 A. This is a copy of what we call an "Aspen
 17 Report." It's the Vehicle Inspection Report.
 18 **Q. What is the date associated with this report?**
 19 A. The 25th of May, 2022.
 20 **Q. Are you familiar with this report?**
 21 A. Yes.
 22 **Q. Did you repair this report?**
 23 A. I did.
 24 **Q. Do you have any changes to make to this report?**
 25 A. I do not.

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1 MR. FUKANO: At this time I move to admit
 2 proposed Exhibit FG-2 into evidence.
 3 JUDGE PEARSON: And that motion is granted.
 4 (Exhibit FG-2 was admitted.)
 5 BY MR. FUKANO:
 6 **Q. Does that Aspen Report report any additional**
 7 **violations against JFS Transport?**
 8 A. It does.
 9 **Q. How many types of violations does this report**
 10 **reflect?**
 11 A. Five.
 12 **Q. Are any of those violations acute or critical?**
 13 A. No.
 14 **Q. Did your investigation result in a proposed**
 15 **safety rating?**
 16 A. It did.
 17 **Q. What was that rating?**
 18 A. Unsatisfactory.
 19 **Q. How were the results of your investigation**
 20 **communicated to JFS Transport?**
 21 A. I personally sat down and met with Mr. Sheridan
 22 on June 29th and went over the report and also gave him
 23 technical assistance, materials, and information on how
 24 to complete a Safety Management Plan.
 25 **Q. And to confirm, who is Mr. Sheridan?**

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1 A. He is the owner of JFS Transport.
 2 MR. FUKANO: Thank you.
 3 No further questions of this witness.
 4 JUDGE PEARSON: Okay. Thank you.
 5 Anything further, Mr. Fukano?
 6 MR. FUKANO: Staff would also like to call
 7 Assistant Director Mathew Perkinson to the stand.
 8 JUDGE PEARSON: Okay.
 9 Good morning, Mr. Perkinson.
 10 THE WITNESS: Good morning.
 11 JUDGE PEARSON: If you could please raise
 12 your right hand, I will swear you in.
 13
 14 MATHEW PERKINSON, witness herein, having been first
 15 duly sworn on oath, was examined
 16 and testified as follows:
 17
 18 THE WITNESS: I do.
 19 JUDGE PEARSON: Okay. Thank you.
 20 Go ahead, Mr. Fukano.
 21 DIRECT EXAMINATION
 22 BY MR. FUKANO:
 23 Q. Would you, please, state your name and spell
 24 your last name for the record?
 25 A. It's Mathew Perkinson, P-e-r-k-i-n-s-o-n.

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1 Q. What is your current position with the
 2 Commission?
 3 A. Assistant Director.
 4 Q. What are your responsibilities in that position?
 5 A. I make final recommendations to the Commission
 6 on motor carrier safety investigations that result in
 7 penalty assessments from motor carrier safety
 8 violations, and I also make sure that the work is done
 9 consistent with the Commission's enforcement policies.
 10 Q. What kind of training or experience do you have
 11 related to your role?
 12 A. I was formerly the supervisor of the Motor
 13 Carrier Safety Program and certified, similar to
 14 Investigator Gagne through CVSA to perform safety
 15 investigations and inspect commercial motor vehicles.
 16 Q. How long have you been in your current position?
 17 A. I've been with the Agency since about 2011 and
 18 in my current role for about three years.
 19 Q. I would like to turn to the matter involving JFS
 20 Transport. Are you familiar with the matter involving
 21 JFS Transport?
 22 A. Yes.
 23 Q. How did you become familiar with it?
 24 A. I reviewed the investigation report in my role
 25 as Assistant Director.

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1 Q. And to clarify. Is that the same report that
 2 has been previously admitted as FG-1?
 3 A. Yes.
 4 Q. Do you agree with Inspector Gagne's findings
 5 reflected in the report?
 6 A. I do. Investigator Gagne is one of our most
 7 senior investigators, and she maintains dual Federal and
 8 State certifications to perform this work.
 9 Q. Do you also agree with the proposed safety
 10 rating for JFS Transport contained in that report?
 11 A. Yes. The safety ratings are calculated based on
 12 a combination of acute and critical violations, as well
 13 as accidents, using a pre-determined formula in a
 14 database, our system called CAPRI.
 15 Q. Have you also received the Vehicle Inspection
 16 Report previously admitted as FG-2?
 17 A. I have.
 18 Q. I'd like to ask some questions about JFS
 19 Transport's Commission operating authority.
 20 What type of -- what type of operating authority
 21 does JFS Transport have from the Commission?
 22 A. JFS has provisional operating authority with the
 23 Commission.
 24 Q. What is the significance of provisional
 25 operating authority?

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1 A. The provisional operating authority serves
 2 essentially as a probation period for companies, for
 3 household goods companies, specifically, to demonstrate
 4 their ability to operate safely for an 18-month period
 5 of time.
 6 Q. Does a household goods company require
 7 provisional operating authority in order to gain
 8 permanent operating authority?
 9 A. Yes, it does.
 10 Q. Do the Commission's rules require a provisional
 11 company to achieve a specific safety rating in order to
 12 be granted permanent operating authority?
 13 A. Yes.
 14 Q. What is the required safety rating?
 15 A. Satisfactory.
 16 Q. What happens if a provisional company fails to
 17 satisfy the criteria for permanent operating authority?
 18 A. Commission Staff can recommend that the
 19 Commission cancel the company's operating authority.
 20 Q. Has JFS Transport demonstrated good cause to
 21 extend its provisional period?
 22 A. It has not.
 23 Q. Can you please explain?
 24 A. The company has had opportunities to submit
 25 safety management plans up 'til now. It has not done

1 that. Which would typically be showing good cause for
2 the -- the company's working with Staff, essentially to
3 allow for additional time for the company to complete
4 its safety management plan. It hasn't communicated that
5 to us at all.

6 **Q. When must the company submit an acceptable
7 safety management plan to avoid cancellation of the
8 Commission's rules in this case?**

9 A. The company is required to submit by
10 August 26th.

11 **Q. And when would the company's authority be
12 canceled pursuant to Commission's rules, assuming it
13 does not?**

14 A. August 29th.

15 **Q. I'd like to ask some questions regarding the
16 Company's penalty assessment in this docket.**

17 **Are you familiar with the penalty assessment
18 issued to the company in this docket?**

19 A. Yes.

20 **Q. What is the amount of penalty sought by that
21 penalty assessment?**

22 A. \$2,500.

23 **Q. Has Staff received any request for mitigation
24 from the company regarding that penalty assessment?**

25 A. No.

1 require the company to pay if it attempts to reinstate
2 or if the Commission Staff, its investigative Staff
3 determines that the company is operating without the
4 required operating authority.

5 And just -- you know, for the record, this would
6 mean that if Staff finds the company's operating without
7 the required authority, Staff would pursue
8 classification, new penalties, and then ultimately
9 recommendation to impose the suspended penalties.

10 **Q. And if the Commission does not cancel the
11 company's operating authority, does Staff have a
12 different recommendation regarding the penalty
13 assessment?**

14 A. Yeah. If between the hearing today and the
15 deadline to submit the Safety Management Plan the
16 company successfully submits a plan and Staff accepts
17 it, Staff would support suspending one-half of the
18 penalty based on future compliance.

19 And then that -- second, other half of the
20 suspended penalty would be triggered or imposed if there
21 were repeat acute or critical violations discovered at a
22 later investigation.

23 **Q. And in that event, would Staff be open to a
24 payment plan for the imposed portion of that penalty?**

25 A. Of course, yes.

1 **Q. I'd like to now ask some questions about Staff's
2 recommendations in this case.**

3 **Does Staff have a recommendation to the
4 Commission as to the company's operating authority?**

5 A. Yes.

6 **Q. What is that recommendation?**

7 A. The company still has time after this hearing to
8 submit a Safety Management Plan and then get that
9 approved.

10 The Commission, as I stated previously, has
11 given JFS opportunities already to provide evidence of
12 corrective action, and it so far has not done or taken
13 any kind of accountability for the violations that were
14 discovered.

15 So should the company fail to submit an
16 acceptable Safety Management Plan by the deadline
17 previously identified, then Staff would recommend that
18 the Commission cancel the company's operating authority.

19 **Q. As to the penalty assessment, if the Commission
20 does cancel the company's operating authority, what is
21 Staff's recommendation regarding the penalty assessment?**

22 A. Yes. If the Commission cancels the company's
23 provisional authority, Staff would recommend that the
24 Commission suspend the entire amount for a period of two
25 years from the effective date of the initial order and

1 **Q. Thank you.**

2 MR. FUKANO: No further questions of this
3 witness.

4 JUDGE PEARSON: Okay. Thank you.

5 And just to clarify, Mr. Fukano, Staff did
6 move for default. And if I issue an order, I will issue
7 an order reflecting that I have granted that motion for
8 default.

9 The company has ten days to request that the
10 motion for default be vacated and would have to first
11 take that step before asking Staff to review its Safety
12 Management Plan. So I just want to clarify that.

13 Is that your understanding?

14 MR. FUKANO: Yes, Judge. I believe that's
15 correct.

16 JUDGE PEARSON: Okay. And that ten days
17 will likely expire prior to August 29th, which would be
18 the date that the company would be canceled.

19 But this -- this order will be upholding
20 Staff's recommendation in canceling the company's
21 permits. So the company will have to take affirmative
22 steps to request that the Commission vacate that default
23 order and allow it another chance to present its Safety
24 Management Plan.

25 MR. FUKANO: Understood.

1 And I did have one further update for the
 2 Commission.
 3 Staff a few moments ago received an email
 4 from the company stating that it was -- it had an
 5 emergency occur this morning and requesting a
 6 reschedule, without further detail -- or without further
 7 comment.
 8 JUDGE PEARSON: Okay. How does Staff feel
 9 about that?
 10 I'm open to it. It would be less process
 11 and less work for us, if the company does want to -- and
 12 seeing that Staff's ultimate goal is likely bringing the
 13 company into compliance. I'm willing to reschedule the
 14 hearing if Staff is willing to reschedule the hearing.
 15 MR. FUKANO: Could I just have a brief --
 16 well, unless Staff, you -- you know how you would like
 17 to proceed.
 18 THE WITNESS: Yeah. I think that this isn't
 19 the first time, Your Honor, that the company has
 20 presented cause for delaying to get Staff information.
 21 We've had repeated occurrences where the
 22 company has not been available. It's not made available
 23 documents and provided a list of reasons as to why it
 24 cannot do that. And I think that that's consistent with
 25 other dockets in prior years, using similar reasoning.

1 request to vacate the -- the default order. So the due
 2 process rights are still preserved, and I'm comfortable
 3 with that.
 4 THE WITNESS: Thank you.
 5 MR. FUKANO: Thank you, Judge.
 6 JUDGE PEARSON: Okay. I will issue an order
 7 reflecting that I granted Staff's Motion for Default.
 8 And that I considered the evidence, and that we are
 9 canceling the company's permit unless the company
 10 submits a Motion to Vacate the Default Judgment, in
 11 which case the company will have until August 29th to
 12 submit an acceptable Safety Management Plan and for
 13 Staff to review it and to provide a different
 14 recommendation to me.
 15 MR. FUKANO: Thank you, Judge.
 16 JUDGE PEARSON: Okay. Anything further?
 17 MR. FUKANO: I just wanted to briefly
 18 re-clarify or make sure that I'm following your
 19 procedural direction as to the ordering of the Motion to
 20 Dismiss and the Safety Management Plan.
 21 So it would be that the company would need
 22 to move to -- move to vacate the default order. And if
 23 that were granted, then it would have the opportunity to
 24 submit a Safety Management Plan, which would still need
 25 to occur prior to the August 29th, cancellation date?

1 I -- I'm not convinced that if we go that
 2 direction that the company will show up at a later
 3 hearing. But certainly, Staff is amenable to whatever
 4 direction the Commission would like to go.
 5 I just --
 6 JUDGE PEARSON: So I -- I'm sorry.
 7 THE WITNESS: I would just say be aware that
 8 there's a history there of the company being
 9 uncooperative and nonresponsive.
 10 JUDGE PEARSON: Okay. And thank you for
 11 that perspective.
 12 And in light of that information, I do
 13 believe we should go forward and hold the company in
 14 default, and that it will be incumbent upon the company
 15 to ask the Commission to vacate the default order.
 16 That's very helpful information,
 17 Mr. Perkinson. Because if the company has a history --
 18 and it sounds like it does -- and I'm actually familiar
 19 with the company. Wasn't as familiar with the details
 20 of its history, but I know the name because they have
 21 appeared here multiple times before.
 22 And so we certainly don't want to waste any
 23 more time or resources if you think that the behavior is
 24 likely to continue.
 25 And the company does have an opportunity to

1 JUDGE PEARSON: Correct.
 2 And I think that in the event that the
 3 company files a Motion to Vacate the Default Judgment,
 4 the Commission would issue an order or notice giving
 5 further instructions to the company and explaining to
 6 the parties that we can proceed on a paper record at
 7 this point.
 8 MR. FUKANO: Understood. Thank you, Judge.
 9 JUDGE PEARSON: I do not think we would have
 10 time to schedule another hearing prior to that
 11 August 29th, deadline.
 12 But I do think that we have enough
 13 information. And if Staff is working with the company,
 14 and especially if Staff is able to come to an agreement
 15 that we could resolve it on a paper record, as we often
 16 do with these cases, I feel comfortable with that.
 17 MR. FUKANO: Thank you.
 18 JUDGE PEARSON: Okay. Anything further?
 19 MR. FUKANO: Nothing further from Staff.
 20 JUDGE PEARSON: Okay. Thank you all for
 21 being here today.
 22 And we are adjourned.
 23
 24 (Hearing adjourned at 10:14 a.m.)
 25 -o0o-

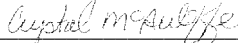
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CERTIFICATE

STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

I, CRYSTAL R. McAULIFFE, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the videoconference Brief Adjudicative Proceeding on AUGUST 12, 2022, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th day of August, 2022.


CRYSTAL R. McAULIFFE, RPR, CCR #2121



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