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December 16, 1997

Mr. Steve McLellan
Secretary
Washington Utilities and
Transportation Commission
P. O. Box 47250
Olympia, Washington 98504-7250

RECEIVED
REGULATORY MANAGEMENT
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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

VIA EMAIL and FAX

Re: Household Goods Rulemaking
Docket No. TV-971477

Dear Mr. McLellan:

I am writing to you again for two reasons. First, I want to extend the comments made about current Commission rate practices in my December 2nd response to your "Letter to Interested Parties" dated November 4th. Second, I would like to know the most efficient and correct way to obtain information from your agency that I need to prepare for the rulemaking hearing January 29th.

A recent review of documents listed on the WUTC Internet home page revealed a March 1997 ruling regarding some of Lile Moving's potential customers. While the syntax employed by Deputy Director Curl is strained, it appears that the Commission countenances rate discrimination based on employment status. The logic behind the ruling is not included in the document and probably would confound the vast majority of Washington residents, unless of course one worked for the right school district.

There appears to be only one other possibility for the ruling. Perhaps the rationale is that because a governmental entity is involved in the loop leading to the permitted "free or reduced rates" moves, it is OK for people to save some money on a move. It certainly would be interesting to understand what went in to the decision. Who else gets a break? Please furnish the list and the authority for inclusion as a shipper and a carrier to not have to pay the state mandated rates. Do the usual geographic license restrictions apply to such arrangements?

Please let me know how I can review the documents associated with this ruling or any similar ruling by the Commission. For example, I could not locate the referenced statute to see the authority for such a decision at your Internet site. I assume the "clock" on meeting my request starts with your receipt of it as the request should suffice under State's the open records act. If not, please inform me immediately.

I also am interested in understanding just what carriers can charge when regulated. It appears from another WUTC online document that we now have, de facto, a minimum / maximum rate structure. Please confirm that this is the effect of the fuel surcharge ruling made several years ago. What effect did federal preemption under Public Law 104-88 have on intrastate moving rates?

Finally, I would like to review all documents in the Commission's control relative to the following:

The January 29th hearing and the expected rulemaking, specifically to include comments made by all other interested parties.

Enforcement (household goods only) activity of the Commission and its employees, including relevant portions of the Western Washington base investigators' logs, during the past two years for other than safety concerns.

File(s) on Mike The Mover.

File(s) on Brian C. McCulloch, including Parallax Moving Systems.

Commission position papers and documents regarding regulated carriers' operations in unregulated zones, such as requiring them to charge the "rate" and similarly with respect to unregulated activities, such as delivery/removal of household goods containers by regulated carriers in regulated zones.

Revenue and tax collection reports for licensed household goods carriers for 1995 and 1996.

I would appreciate being able to review everything on one trip. In addition, I would like to do this as soon as possible. A number of individuals, some of whom are being copied on this letter, have asked for information well before the hearing so they can be prepared for it as well.

Therefore, I would appreciate hearing during the next several days when I might expect to come to your offices in Olympia. In the meantime, please let me know if you have any questions regarding the above request.

Sincerely,



Brian C. McCulloch

cc: Governor Gary Locke
Representative John Koster
Mindy Chambers

Joe Copeland
Mike Maharry
Michelle Malkin
Peter Neurath
David Postman
Bruce Ramsey