

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of JOY MOVING COMPANY, INC. For Compliance with WAC 480-15-560 and WAC 480-15-570	DOCKET TV-200312 ORDER 01 APPROVING SAFETY MANAGEMENT PLAN; UPGRADING SAFETY RATING TO CONDITIONAL
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BACKGROUND

- 1 On April 13, 2020, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel and Notice of Brief Adjudicative Proceeding; Settling Time for Oral Statements in the Matter of the Investigation of Joy Moving Company, Inc. (Joy Moving or Company), for compliance with Washington Administrative Code (WAC) 480-15 (Notice).
- 2 The Notice explained that, based on Commission staff's (Staff) March 2020 compliance review of the Company's operations, Staff recommends that the Commission cancel the Company's household goods carrier permit unless the Company obtains Commission approval of a safety management plan. The Notice directed Joy Moving to file a proposed safety management plan by May 13, 2020. The Commission also noticed a brief adjudicative proceeding on May 20, 2020, 9:30 a.m., to determine whether the Commission should cancel Joy Moving's household goods carrier permit.
- 3 On May 13, 2020, Joy Moving submitted a proposed safety management plan.
- 4 On May 15, 2020, Staff filed with the Commission its evaluation of the Company's safety management plan (Evaluation). Staff determined, based on its review of the Company's proposed plan, that the Company took all of the required steps to bring its safety operations into compliance with Commission regulations and to address the critical violations of five safety regulations: Title 49 Code of Federal Regulations (C.F.R) § 391.51(a), 49 C.F.R. § 395.8(a)(1), 49 C.F.R. § 396.3(b), 49 C.F.R. § 396.17(a), and WAC 480-15-555.¹ Staff thus recommends that the Commission upgrade the Company's

¹ WAC 480-15-999 adopts by reference Title 49 of the Code of Federal Regulations pertaining to safety requirements for household goods carriers.

safety rating to conditional and extend its provisional operating authority until Staff conducts a follow-up compliance review at least six months from the date of the Order.

- 5 In its Evaluation, Staff also requested that the Commission cancel the brief adjudicative proceeding and decide this matter on a paper record. Staff stated that it conferred with Joy Moving and that the Company waived its right to a hearing.
- 6 On May 18, 2020, the Commission issued a notice canceling the May 20, 2020, 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 March 2020 compliance review of Joy Moving found 68 violations of critical safety regulations, which resulted in a proposed unsatisfactory safety rating.
- 8 On May 13, 2020, the Company submitted its proposed safety management plan and requested the Commission upgrade its safety rating. Staff determined that Joy Moving's safety management plan addresses each violation, identified 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 Joy Moving's safety management plan is acceptable and satisfies the legal requirements of 49 CFR Part 385. We agree.
- 9 Based on Staff's Evaluation, the Commission finds that the Company has achieved compliance with 49 C.F.R. § 391.51(a), 395.8(a)(1), 396.3(b), 396.17(a), and WAC 480-15-555, by correcting the violations that led to the proposed unsatisfactory safety rating. Accordingly, the Commission agrees with Staff's recommendation and grants the Company's request to upgrade its safety rating to conditional.
- 10 We also agree with Staff's recommendation to extend the Company's provisional period for its household goods operating authority. WAC 480-15-305(1)(b) provides that, prior to a grant of permanent authority, an applicant must complete a provisional period of not less than six months and not more than 18 months unless the Commission determines for good cause that the provisional period should be extended. Good cause may include, among other things, a carrier that has not yet achieved a satisfactory safety rating but is making substantial progress toward a satisfactory rating. Accordingly, the Commission finds good cause to extend the Company's provisional period until such time the Company achieves a satisfactory rating.

FINDINGS AND CONCLUSIONS

- 11 (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.
- 12 (2) Joy Moving is a household goods carrier subject to Commission regulation.
- 13 (3) Joy Moving committed 68 violations of WAC 480-15.
- 14 (4) Joy Moving cured the deficiencies that led to the proposed unsatisfactory safety rating. Joy Moving's safety rating should be upgraded to conditional, and the Company should be allowed to maintain its provisional household goods carrier permit.
- 15 (5) Pursuant to WAC 480-15-305(1)(b), the Commission should find good cause to extend Joy Moving's provisional period until such time the Company achieves a satisfactory safety rating.

ORDER

THE COMMISSION ORDERS THAT:

- 16 (1) The Commission approves Joy Moving Company, Inc.'s safety management plan.
- 17 (2) Joy Moving Company, Inc.'s safety rating is upgraded to conditional.
- 18 (3) Joy Moving Company, Inc.'s provisional period is extended until such time the Company achieves a satisfactory safety rating.

Dated at Lacey, Washington, and effective May 18, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael Howard
MICHAEL HOWARD
Administrative Law Judge

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 480-07-825(2)(a) provides that any party to this proceeding has 20 days after the entry of this initial order to file a petition for administrative review (Petition). Section (2)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-825(2)(c) states that any party may file a response to a Petition within 10 days after service of the Petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence that is essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will give other parties in the proceeding an opportunity to respond to a motion to reopen the record, unless the Commission determines that it can rule on the motion without hearing from the other parties.

RCW 80.01.060(3) 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).