

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

LION MOVERS LLC

For Compliance with WAC 480-15-555 and
WAC 480-15-999.

DOCKET TV-240549

ORDER 01

APPROVING SAFTEY
MANAGEMENT PLAN;
EXTENDING CONDITIONAL
STATUS; WITH CONDITIONS

BACKGROUND

- 1 On January 25, 2022, the Washington Utilities and Transportation Commission (Commission) granted Lion Movers LLC (Lion Movers or Company) temporary operating authority.
- 2 On July 9, 2024, Commission staff (Staff) conducted a routine safety investigation of Lion Movers’ compliance with WAC 480-15.¹
- 3 On August 2, 2024, Staff filed a Penalty Assessment in this docket, requesting the Commission impose penalties against the Company in the amount of \$300 for violations of WAC 480-15-555 and 480-15-560.²
- 4 On August 5, 2024, Staff filed a Notice of Intent to Cancel (NOIC) in this docket notifying Lion Movers that their temporary authority will be cancelled if the Company does not obtain Commission approval of a Safety Management Plan (SMP) before September 18, 2024.
- 5 Staff alleges that during the July 9, 2024, investigation Staff discovered one acute violation, 28 critical or critical-type safety violations, and 14 other safety violations,

¹ *In re Investigation of Lion Movers LLC*, Docket TV-240549, Notice of Intent to Cancel at ¶ 4 (Aug. 5, 2024).

² Penalty Assessment at 3.

resulting in a conditional safety rating.³

6 Staff specifically recommends penalties for the following violations:

- One violation of WAC 480-15-555(1), for failure to complete a nationwide criminal background check for every person the carrier intends to hire. Staff recommends a penalty of \$100 for this violation.
- Twenty-six violations of 49 C.F.R. § 395.8(a)(1), for failing to require drivers to prepare a record of duty status using the appropriate method over a sample period of May 1, 2024, through May 30, 2024. Staff recommends a penalty of \$100 for these violations.
- One violation of 49 C.F.R. § 395.3(a)(1), for use of a commercial vehicle with defective brake(s) equal to or greater than 20% of the service brakes on the vehicle. Staff recommends a penalty of \$100 for this violation.⁴

7 On September 11, 2024, counsel for Staff notified the presiding officer that Staff had received a hearing waiver and response to the penalty assessment from Lion Movers. The parties requested the brief adjudicatory proceeding be cancelled.

8 On September 11, 2024, Staff filed an evaluation of SMP. On that same day, the presiding officer issued a Notice of Cancellation of Virtual Evidentiary Hearing, and Lion Movers filed their Response to the Penalty Assessment and Waiver of Hearing. Further, Staff requested an Order be issued in this matter on the written record.

9 In Lion Movers' Response to the Penalty Assessment, the Company admitted the violations occurred and agreed to the Penalty Assessment of \$300.⁵

10 In its Evaluation of SMP (Staff's Evaluation), Staff outlines the penalties it recommended in its Penalty Assessment, and that the Company submitted an SMP compliant with 49 CFR §§ 385.5.⁶ Staff recommends the Commission (1) not cancel Lion Movers' provisional permit, (2) maintain Lion Movers' conditional safety rating, and (3) extend Lion Movers' provisional period until such a time that Lion Movers achieves a

³ Notice of Intent to Cancel at ¶ 4.

⁴ Penalty Assessment at 1, 3.

⁵ Response to Penalty Assessment, at 5.

⁶ Staff's Evaluation of SMP, at 2-3.

satisfactory safety rating, or the Commission finds good cause to cancel Lion Movers' operating authority.⁷

DISCUSSION

11 Washington law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's 2024 compliance review of Lion Movers found one acute, 28 critical or critical-type, and 14 other safety violations.⁸ The violations found by Staff resulted in a proposed conditional safety rating. We rule on each of the issues presented in this docket.

Lion Movers' Safety Rating

12 On September 9, 2024, the Company submitted its proposed SMP.⁹ Staff determined that Lion Movers' SMP 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 Lion Movers' SMP is acceptable and satisfies the legal requirements of 49 C.F.R. Part 385. We agree.

13 Based on Staff's Evaluation, the Commission finds that the Company has submitted a satisfactory SMP that if followed should prevent future repeat violations.

14 We also agree with Staff's recommendation to extend the Company's provisional permit for its household goods operating authority and not to cancel the Company's permit at this time.

15 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, a carrier that has not yet achieved a satisfactory safety rating but is making substantial progress toward a satisfactory rating.¹⁰ Accordingly, we find good cause to extend the Company's provisional period until such time that Lion Movers achieves a satisfactory safety rating, or the Commission finds good cause to cancel the Company's operating authority, subject to the conditions that (1)

⁷ *Id.* at 3.

⁸ Notice of Intent to Cancel at ¶ 4.

⁹ Staff's Evaluation of SMP, at 2.

¹⁰ WAC 480-15-305(1)(b).

Staff conducts a follow-up safety investigation at least six months from the date of this Order; and (2) Lion Movers LLC may not incur any repeat violations of critical regulations upon reinspection.

16 We find the conditions are appropriate to ensure that the Company implements its SMP as intended and to ensure the Company corrects the one acute and 28 critical or critical-type violations.

Lion Movers' Penalty Assessment

17 Staff recommends a penalty of \$300 for the discovered violations in this docket.

18 The Commission's objective when enforcing statutes, rules, orders, and tariffs is to ensure jurisdictional services are delivered safely, adequately, and efficiently.¹¹

19 Here, the Company has submitted its Response to the Penalty Assessment, admitting the violations and indicating its intention to pay the \$300 penalty sought by Staff.

20 The Commission accepts Lion Movers' Response to the Penalty Assessment and orders Lion Movers to remit payment to the Commission in the amount of \$300, immediately, if it has not already done so.

FINDINGS AND CONCLUSIONS

21 (1) The Commission is an agency of the state of Washington, vested by statute with the authority to regulate the 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.

22 (2) Lion Movers is a household goods carrier subject to Commission regulation.

23 (3) Lion Movers committed one violation of WAC 480-15-555(1), for failure to complete a nationwide criminal background check for every person the carrier intends to hire. Staff recommends a penalty of \$100 for this violation.

¹¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶ 9. (January 7, 2013)

- 24 (4) Lion Movers committed twenty-six violations of 49 C.F.R. § 395.8(a)(1), for failing to require drivers to prepare a record of duty status using the appropriate method over a sample period of May 1, 2024, through May 30, 2024. Staff recommends a penalty of \$100 for these violations.
- 25 (5) Lion Movers committed one violation of 49 C.F.R. § 395.3(a)(1), for use of a commercial vehicle with defective brake(s) equal to or greater than 20% of the service brakes on the vehicle. Staff recommends a penalty of \$100 for this violation.
- 26 (6) Lion Movers has cured the deficiencies that led to the proposed conditional safety rating.
- 27 (7) Lion Movers' updated SMP submitted on September 9, 2024, should be approved as noted in paragraphs 14 through 17 of this Order, and the Company's provisional period should be extended.
- 28 (8) The Commission should assess a penalty of \$300 for discovered violations, and Lion Movers' should remit payment to the Commission, if it has not already done so.

ORDER

THE COMMISSION ORDERS:

- 29 (1) The Commission approves Lion Movers LLC's safety management plan for the reasons stated in paragraphs 14 through 17 of this Order.
- 30 (2) Lion Movers LLC's provisional permit under a conditional safety rating is extended until such a time that Lion Movers achieves a satisfactory safety rating or the Commission finds good cause to cancel Lion Movers' operating authority, subject to the conditions that (1) Staff conducts a follow-up safety investigation at least six months from the date of this Order; and (2) Lion Movers LLC may not incur any repeat violations of critical regulations upon reinspection.
- 31 (3) Lion Movers LLC is assessed a penalty of \$300, which is due and payable to the Commission if payment has not already been made.

DATED at Lacey, Washington, and effective September 17, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Connor A. Thompson
CONNOR THOMPSON
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 480-07-610(7) provides that any party to this proceeding has twenty-one (21) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

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 fails to 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). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).