

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

THAT’S A WRAP MOVING
COMPANY, LLC,

For Compliance with WAC 480-15-560
and WAC 480-15-570

DOCKET TV-200698

ORDER 01

APPROVING SAFETY
MANAGEMENT PLAN

BACKGROUND

- 1 On August 10, 2020, 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 That’s a Wrap Moving Company, LLC, (That’s a Wrap Moving or Company) for Compliance with Washington Administrative Code (WAC) WAC 480-15-560 and WAC 480-15-570 (Notice).
- 2 The Notice explained that Commission staff (Staff) conducted a compliance review of That’s a Wrap Moving’s operations on July 29, 2020, and, on August 18, 2020, cited the Company for 15 violations of federal and state safety regulations, which resulted in a proposed “conditional” safety rating.¹ Based on its review, Staff recommended the Commission cancel That’s a Wrap Moving’s household goods carrier permit unless the Company obtained Commission approval of a safety management plan. The Notice directed That’s a Wrap Moving to file a proposed safety management plan by September 15, 2020. The Commission also set a brief adjudicative proceeding (BAP) for September

¹ On August 18, 2020, the Commission issued a Penalty Assessment in Docket TV-200697 against That’s a Wrap Moving for the violations cited in Staff’s compliance review. The Company paid the penalty in full on September 8, 2020.

22, 2020, at 9:30 a.m. to determine whether the Commission should cancel That's a Wrap Moving's household goods carrier permit.

3 On September 16, 2020, That's a Wrap Moving submitted a proposed safety management plan. On September 17, 2020, Staff filed with the Commission its evaluation of the Company's safety management plan and safety rating recommendation (Evaluation).

4 Staff determined, based on its review of the That's a Wrap Moving's proposed plan, that the Company took all of the required steps to bring its safety operations into compliance with Commission regulations. Staff recommends that the Commission maintain the Company's safety rating as "conditional" and extend its provisional period until such time that the Company achieves a satisfactory safety rating.

5 On September 17, 2020, Staff contacted the presiding officer representing that That's a Wrap Moving waives its right to a hearing in Docket TV-200698 and recommending that the BAP be cancelled. On September 17, 2020, the Commission issued a Notice cancelling the September 22, 2020, hearing and informing the parties that the Commission would enter an order based on the parties' written submissions.

DISCUSSION AND DECISION

6 Washington Law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's compliance review of That's a Wrap Moving found 15 violations of Commission safety regulations; eight of these violations were "critical," which resulted in a proposed "conditional" safety rating. Violations classified as "critical" are indicative of a breakdown in a carrier's management controls. Patterns of noncompliance with a critical regulation are quantitatively linked to inadequate safety management controls and usually higher-than-average accident rates.

7 On September 16, 2020, the Company submitted its proposed safety management plan. Staff determined that That's a Wrap Moving's safety management plan addresses each violation, identifies 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 That's a Wrap Moving's safety management plan is acceptable and satisfies the legal requirements of 49 C.F.R. § 385. We agree.

8 Based on Staff's Evaluation, the Commission finds that the Company has achieved compliance with WAC 480-15 by correcting the violations that led to the proposed

“conditional” safety rating. Accordingly, the Commission agrees with Staff’s recommendation that That’s a Wrap Moving’s safety rating should remain “conditional” until such a time that the Company achieves a satisfactory safety rating.

- 9 We likewise agree with Staff’s recommendation to extend the Company’s provisional period for its household goods carrier permit. 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. Here, That’s a Wrap Moving has corrected the violations at issue and demonstrated that it has taken significant steps to ensure its operations comply with applicable safety regulations. Accordingly, the Commission finds good cause to extend the Company’s provisional period until such time as the Company achieves a satisfactory rating.

FINDINGS AND CONCLUSIONS

- 10 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service companies, including household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.
- 11 (2) That’s a Wrap Moving is a household goods carrier subject to Commission regulation.
- 12 (3) That’s a Wrap Moving cured the deficiencies that led to Staff’s recommendation to cancel the Company’s household goods permit. Accordingly, That’s a Wrap Moving safety rating should remain “conditional.”
- 13 (4) Pursuant to WAC 480-15-305(1)(b), the Commission should find good cause to extend That’s a Wrap Moving’s provisional period until such time as the Company achieves a satisfactory safety rating.
- 14 (5) That’s a Wrap Moving committed 8 critical violations of WAC 480-15 and Title 49 C.F.R..
- 15 (6) That’s a Wrap Moving does not dispute that the violations occurred.

ORDER

THE COMMISSION ORDERS:

- 16 (1) The Commission approves That's a Wrap Moving Company, LLC's safety
management plan.
- 17 (2) That's a Wrap Moving Company, LLC's safety rating remains "conditional.";
- 18 (3) That's a Wrap Moving Company, LLC's provisional period is extended until such
time as the Company achieves a satisfactory safety rating.

DATED at Lacey, Washington, and effective September 21, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Samantha Doyle
SAMANTHA DOYLE
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 21 days after service of this initial order to file a petition for administrative review (Petition). Section (7)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-610(7)(c) states that any party may file a response to a Petition within 7 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.

WAC 480-07-610(9) 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).