

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of, and  
Penalty Assessment against,

MARSIK MOVERS LLC

For Violations of WAC 480-15

DOCKET TV-230061

ORDER 01

APPROVING SAFETY  
MANAGEMENT PLAN;  
MAINTAINING SAFETY RATING

**BACKGROUND**

- 1 On February 9, 2023, 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 Marsik Movers LLC (Marsik Movers or Company) for Compliance with Washington Administrative Code (WAC) 480-15 (Notice).
- 2 The Notice explained that Commission staff (Staff) conducted a compliance review of the Company's operations in January 2023 and cited the Company for violations of acute and critical federal and state safety regulations, which resulted in a proposed conditional safety rating. Based on its review, Staff recommended the Commission cancel the Company's household goods carrier permit unless Marsik Movers obtains Commission approval of a safety management plan. The Notice directed Marsik Movers to file a proposed safety management plan by March 1, 2023. The Commission also set a brief adjudicative proceeding for March 15, 2023, at 2 p.m. to determine whether the Commission should cancel the Company's household goods carrier permit.
- 3 On February 8, 2023, the Commission assessed a \$500 penalty (Penalty Assessment) against Marsik Movers for the safety violations discovered during Staff's compliance review.<sup>1</sup> The Penalty Assessment includes:

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<sup>1</sup> The Penalty Assessment cites violations of Washington Administrative Code (WAC) 480-15-555, WAC 480-15-560, and WAC 480-15-570. WAC 480-15-560 and 570 adopt by reference sections of Title 49 Code of Federal Regulations (C.F.R.). Accordingly, Commission safety regulations with parallel federal rules are hereinafter referenced only by the applicable provision of Title 49 C.F.R.

- A \$300 penalty for three violations of WAC 480-15-530 for operating a motor vehicle without the required minimum levels of financial responsibility coverage.
- A \$100 penalty for one violation of WAC 480-15-590 for failing to ensure that all equipment lease agreement conditions are met prior to operating a leased motor vehicle.
- A \$100 penalty for one repeat violation of 49 C.F.R. § 390.19(b)(2) for failing to file the MCS-150 registration form each 24 months according to schedule.

4 On March 10, 2023, Marsik Movers paid the \$500 penalty in full.

5 On March 15, 2023, the Commission convened a virtual brief adjudicative proceeding. Staff presented testimony from Investigator Tracy Cobile who provided documentation about the critical safety violations that resulted in Staff's proposed "conditional" safety rating for Marsik Movers. Cobile further testified that the Company had not yet filed an acceptable safety management plan. The Company and Staff agreed to continue working together to develop an acceptable safety management plan.

6 On March 21, 2023, the Company filed a proposed safety management plan.

7 On March 22, 2023, Staff filed with the Commission its evaluation of the Company's safety management plan and penalty recommendation (Evaluation). Based on its review of the Company's proposed plan, Staff determined that the Company took all 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, but also extend the Company's provisional permit period until such time as the Company achieves a satisfactory safety rating.

8 Josephine Strauss, Assistant Attorney General, Tumwater, Washington, represents Staff. Marcel Filip, Company Owner, Federal Way, Washington, represents Marsik Movers, *pro se*.

### **DISCUSSION AND DECISION**

9 Washington Law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's compliance review of Marsik Movers found violations of acute and critical regulations, 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. Violations classified as "acute" are so severe as to

require immediate corrective actions by a motor carrier regardless of its overall safety posture.

- 10 On March 21, 2023, Marsik Movers submitted its proposed safety management plan and requested the Commission allow it to maintain its household goods permit.
- 11 On March 22, 2023, Staff filed its Evaluation of the Company's proposed safety management plan. Staff determined that the Company's 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 the Company's safety management plan is acceptable and satisfies the legal requirements of 49 C.F.R. Part 385. We agree.
- 12 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 and grants the Company's request to maintain its household goods permit.
- 13 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, the Company 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**

- 14 (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.

- 15 (2) Marsik Movers is a household goods carrier subject to Commission regulation.
- 16 (3) Marsik Movers cured the deficiencies that led to the proposed unsatisfactory safety rating. Accordingly, Marsik Movers' safety rating should be maintained as conditional, and the Company should be allowed to maintain its household goods carrier permit.
- 17 (4) Pursuant to WAC 480-15-305(1)(b), the Commission should find good cause to extend Marsik Movers' provisional period until such time as the Company achieves a satisfactory safety rating.

**ORDER**

THE COMMISSION ORDERS THAT:

- 18 (1) The Commission approves Marsik Movers LLC's safety management plan.
- 19 (2) Marsik Movers LLC's safety rating is maintained as conditional.
- 38 (3) Marsik Movers LLC's provisional period is extended until such time as the Company achieves a satisfactory safety rating.

DATED at Lacey, Washington, and effective March 24, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Administrative Law Judge

**Service Date: March 24, 2023**

## **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).