

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of	DOCKET TV-250332
HERITAGE MOVING SOLUTIONS, LLC	ORDER 01
For Compliance with WAC 480-15-560 and WAC 480-15-555	APPROVING SAFETY MANAGEMENT PLAN; GRANTING TEMPORARY AUTHORITY

**BACKGROUND**

- 1 Heritage Moving Solutions, LLC (Heritage or Company) was initially granted temporary authority to operate as a household goods carrier on July 25, 2024.
- 2 On May 23, 2025, 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 Heritage Moving Solutions, LLC, for compliance with Washington Administrative Code (WAC) 480-15-560 and WAC 480-15-555 (Notice or NOIC).
- 3 The Notice explained that, based on Commission staff's (Staff) May 12, 2025, compliance review of the Company's operations, Staff recommended that the Commission cancel the Company's household goods carrier permit unless the Company obtained approval from the Commission of its safety management plan (SMP).<sup>1</sup> The Notice directed Heritage to file a proposed SMP by June 17, 2025, and scheduled a Brief Adjudicative Proceeding on July 1, 2025, at 9:30 a.m., to determine whether the Commission should cancel Heritage's household goods carrier permit.<sup>2</sup> The Notice explained that Heritage had until July 11, 2025, to have a SMP approved, or they would be subject to cancelation on July 12, 2025.<sup>3</sup>
- 4 On June 13, 2025, Heritage submitted a proposed SMP.

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<sup>1</sup> NOIC at ¶ 2.

<sup>2</sup> NOIC at ¶ 10, 13.

<sup>3</sup> NOIC at ¶ 7.

- 5 On June 18, 2025, Staff filed its evaluation of Heritage’s SMP (Evaluation) in this docket. Staff determined, based on its review of Heritage’s proposed SMP, that the Company took all of the required steps to bring its safety operations into compliance with Commission regulations and addressed the violations of safety regulations applicable to the Company through WAC 480-15-560.<sup>4</sup> Accordingly, Staff recommended that the Commission maintain Heritage’s safety rating as conditional and extend its provisional operating authority until the Company achieved a satisfactory safety rating, or until the Commission otherwise found good cause to cancel.<sup>5</sup>
- 6 In its Evaluation, Staff requested that the Commission cancel the Brief Adjudicative Proceeding and decide this matter on its merits on a paper record. Staff stated that it conferred with Heritage and that the Company waived its right to a hearing. Heritage did not contest the violations and paid the \$900 penalty in full on May 30, 2025. Heritage also signed a waiver of its right to a hearing on June 18, 2025.
- 7 On May 23, 2025, the Commission issued a notice canceling the July 1, 2025, hearing and informed the parties that it would enter an order based on the parties’ written submissions.

### DISCUSSION AND DECISION

- 8 Washington law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff’s May 2025 compliance review of Heritage found 19 violations of critical safety regulations, which resulted in a proposed conditional safety rating. We will address the issues of safety rating, provisional period, and temporary authority separately.

#### Safety Rating

- 9 On June 13, 2025, the Company submitted its proposed SMP. Although the record did not contain a request from Heritage for the Commission to upgrade its safety rating, Staff determined that Heritage’s SMP addressed and identified how each violation occurred, described the steps taken to correct each violation, and the controls the Company put in

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<sup>4</sup> Title 49 Code of Federal Regulations (C.F.R.) 49 C.F.R. § 390.19(b)(2), 49 C.F.R. § 391.21(a), 49 C.F.R. § 391.23(a)(1), 49 C.F.R. § 391.25(a), 49 C.F.R. § 391.51(b)(8)(i), 49 C.F.R. § 392.2, 49 C.F.R. § 391.51(a), 49 C.F.R. § 395.8(a)(1), 49 C.F.R. § 396.3(b)(1), 49 C.F.R. § 396.3(b)(3). *See also* WAC 480-15-999 adopts by reference Title 49 of the Code of Federal Regulations pertaining to safety requirements for household goods carriers.

<sup>5</sup> Evaluation at 3. *C.f.* WAC 480-07-385(4) (“**Date certain.** The commission will grant continuances only to a specified date.”).

place to ensure compliance moving forward. In reaching the conclusion that Heritage's SMP was acceptable and satisfied the legal requirements of Title 49 Code of Federal Regulations (C.F.R.) Part 385, Staff explained in its evaluation that the Company took the required steps to bring its safety operations into compliance with Commission regulations. Staff represents that Heritage submitted a SMP that addresses each violation, identifies how the violations occurred, describes the steps the Company took to correct the violations, and put controls in place to ensure the Company maintains compliance.<sup>6</sup>

10 Based on Staff's Evaluation and review of the Company's SMP, the Commission finds that the Company has achieved compliance with 49 C.F.R. § 391.51(a) and WAC 480-15-555, by correcting the violations that led to the proposed conditional safety rating.<sup>7</sup> Further, by identifying how the violations occurred, describing corrective actions, and putting controls in place to avoid further repeat violations, Heritage has demonstrated corrective actions in the form of a Staff approved SMP, consistent with 49 C.F.R. § 385.308(a).<sup>8</sup>

11 Based on the Company's SMP, Staff further recommends that the Commission maintain Heritage's conditional safety rating. Insofar as Staff's investigation resulted in a proposed conditional safety rating, and the Company has not requested a safety rating upgrade from conditional, there does not appear to be any need to take further action with respect to the safety rating. Consequently, the Commission approves Heritage's SMP and takes no action with respect to the Company's conditional safety rating.<sup>9</sup>

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<sup>6</sup> Evaluation at 3.

<sup>7</sup> Evaluation at 1.

<sup>8</sup> The Commission recognizes that the term "provisional permit" in the C.F.R. applies to companies domiciled in Mexico, and reasons that under the WAC, provisional operators are most closely aligned with "new entrants" in the C.F.R. The Commission appreciates Staff's inclusion of both Staff's investigation report and the Company's full SMP as part of record in this matter for review. Such material is of substantial value to the Commission in developing a more fully reasoned analysis with respect to review of whether a company has taken adequate corrective action. *See, e.g., Weyerhaeuser v. Pierce County*, 124 Wn.2d 26, 36-37 (1994).

<sup>9</sup> The presiding officer notes that while Staff recommends that the Commission maintain the Company's conditional safety rating, it also opines that the SMP demonstrates that the Company has adequately addressed all violations and brought its operations into compliance with applicable regulations. As defined by 49 C.F.R. § 385.3, a conditional safety rating "means a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in occurrences listed in § 385.5 (a) through (k)." This definition appears to have been adopted by incorporation by reference into the Commission's rules pursuant to WAC 480-15-560 and WAC 480-15-999. However, insofar as neither Staff nor the Company request a change to the proposed safety rating, this issue need not be resolved at this time. *See also, In re Miracle Man*, Dockets TV-220511 and TV-230503, Order 05/03 at ¶ 8, 17 (Dec. 7, 2023) (discussing an interpretation of "conditional safety rating" in Commission proceedings).

### Provisional Period

- 12 On July 25, 2024, Heritage was granted a temporary authority. It is unclear from the record whether this grant of authority was pursuant to Revised Code of Washington (RCW) 81.80.170 – which grants authority for up to 180 days – or the statutory authority that is the basis of WAC 480-15-302 – where provisional authority appears to extend for up to 18 months.<sup>10</sup> If it is the latter, pursuant to the applicable WAC, the eighteen month provisional period will expire on January 23, 2026.<sup>11</sup> Regardless, the NOIC in this docket specifically referenced that Heritage was granted a temporary permit and we address Staff’s request pursuant to the assumption that the permit was granted under RCW 81.80.170 and therefore could only be valid for up to 180 days.
- 13 Accordingly, we decline Staff’s request to extend this provisional period at this time, as it does not appear necessary at this point.

### Temporary Authority

- 14 Heritage’s temporary household goods carrier authority was granted on July 25, 2024, and by statute, subsequently expired on January 21, 2025.<sup>12</sup> It is unclear how and by what mechanism Heritage had authority to operate during the May 2025 investigation.
- 15 However, given the progress demonstrated in the submitted SMP, and the lack of evidence in the record indicating ongoing safety problems, we find it appropriate and in the public interest to grant Heritage a fresh grant of temporary authority.<sup>13</sup> Heritage will

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<sup>10</sup> See, WAC 480-15-185 (defining two types of permits, provisional and permanent). The Commission notes that there appears to be a potential conflict between RCW 81.80.170 and WAC 480-15-185. We note that the Commission previously promulgated rules covering and clearly delineating between “temporary” and “provisional” permits, where temporary permits were further regulated by WAC 480-15-280, but that rule was removed. Now, the terms “provisional” and “temporary” appear to be nearly synonymous, and to perhaps be used synonymously in granting permits. Further, if the terms are now synonymous, there seems to be tension between the timelines contemplated in RCW 81.80.170 and those contained in WAC 480-15-185, WAC 480-15-302, and WAC 480-15-305.

<sup>11</sup> We note that a provisional period of 540 days makes some sense as an original grant of 180 days of authority, with two renewals, would align closer to the enabling statute. However, 547 days was used for this calculation, given the regulation’s use of ‘months’ as a denomination. See WAC 480-15-305.

<sup>12</sup> RCW 81.80.170 (“The commission may issue temporary permits to temporary household goods carriers for no more than one hundred eighty days, but only after the commission finds that the issuance of the temporary permits is consistent with the public interest.”).

<sup>13</sup> RCW 81.80.075.

be granted a 180-day authority, beginning July 20, 2025, the date upon which Heritage's second grant of temporary authority would have expired.

- 16 Heritage may request further extension if the Comapny is unable to achieve a satisfactory safety rating before that grant of authority expires in January 2026.

### FINDINGS AND CONCLUSIONS

- 17 (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.
- 18 (2) Heritage is a household goods carrier subject to Commission regulation.
- 19 (3) Heritage committed eight violations of WAC 480-15-555 and eleven violations of 49 C.F.R. § 395.8(a)(1).
- 20 (4) The Commission agrees with Staff the the SMP submitted by Heritage should cure the deficiencies that led to the proposed conditional safety rating if implemented. However, we do not reach the question, at this time, of whether the Carrier's corrective actions have, in reality, remediated the violation.<sup>14</sup>
- 21 (5) Pursuant to WAC 480-15-305(1)(b), the Commission declines to extend Heritage's provisional period, because it has not yet expired.
- 22 (6) Pursuant to RCW 81.80.170, the Commission finds it in the public interest to grant Heritage temporary authority for 180 days, effective July 20, 2025, so that the Company's authority will expire at the same time as its provisional permit period, as discussed in paragraph 16 of this Order.

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<sup>14</sup> *C.f.* FMCSA-2015-0306 at 28 fn 85 (“The decision in Timex, however, explained that when reviewing a § 385.17 upgrade request, the Agency determines ‘whether the motor carrier's corrective actions have, in reality, remediated the violation(s) that resulted in an inadequate safety fitness rating.’”).

**ORDER**

THE COMMISSION ORDERS THAT:

- 23      (1)      The Commission approves Heritage Moving Solutions, LLC's safety management  
plan.
- 24      (2)      Heritage Moving Solutions, LLC is granted a 180-day temporary authority,  
retroactively beginning on July 20, 2025.

Dated at Lacey, Washington, and effective August 13, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Bijan Hughes  
BIJAN HUGHES  
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).