

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper	)	
Carrier Classification of, and Complaint for	)	TV 170747
Penalties Against:	)	
	)	PETITION FOR DECLARATORY
TARA CHILA, d/b/a MOVES FOR SENIORS	)	PROCEEDING
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Pursuant to RCW 34.05.240, Transit Systems, Inc. d/b/a Moves for Seniors (“MFS”) petitions the Commission for declaratory relief. In particular, MFS seeks a declaratory order holding that:

1. MFS is not a household goods motor carrier under federal or state law.
2. MFS holds a license from the United States Department of Transportation authorizing it to act as a broker of household goods in interstate and foreign commerce. MFS owns no equipment suitable for transporting household goods. It employs no individuals qualified to operate commercial vehicles capable of transporting household goods.
3. 49 U.S.C. §14501(b)(1) preempts the State of Washington from regulating the rates, routes or services of brokers of property in intrastate commerce.
4. The instant proceeding violates the express preemption provisions contained in 49 U.S.C. §14501(b)(1), and as such, this Commission lacks jurisdiction to prohibit, regulate or in any way interfere with MFS’s business to the extent that such attempted

- regulation impacts MFS' rates, routes or services as an intrastate broker of household goods freight.
5. The Commission lacks the delegated authority to regulate or prohibit brokerage of the transportation of household goods within Washington State as such action exceeds the authority delegated to it by the Washington State legislature. Any such regulation is *ultra vires* and unenforceable.
  6. MFS requests hearing be held in Snohomish or King County, Washington.

Dated this 20<sup>th</sup> day of October 2017.

SIMBURG KETTER SHEPPARD  
& PURDY, LLP

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