

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of	DOCKET TV-170039
MVP MOVING AND STORAGE LLC	NOTICE OF INTENT TO CANCEL
For Compliance with WAC 480-15-560 and WAC 480-15-570	NOTICE OF BRIEF ADJUDICATIVE PROCEEDING; SETTING TIME FOR ORAL STATEMENTS (Set for April 4, 2017, at 1:30 p.m.)

- 1 Pursuant to RCW 81.80.130, the Washington Utilities and Transportation Commission (Commission) regulates the safe operation of motor freight carriers, including household goods carriers. WAC 480-15-450(1)(e) provides that the Commission may cancel a carrier’s permit for good cause. A carrier’s failure to comply with applicable laws and Commission rules, including those governing safe operations, constitutes good cause for canceling the carrier’s permit.
- 2 On December 20, 2016, the Commission’s staff (Staff) completed a review of MVP Moving and Storage LLC’s (MVP Moving) compliance with the safety requirements in WAC 480-15-560 and WAC 480-15-570, which adopt, among other provisions, Title 49 of the Code of Federal Regulations (CFR), Parts 385, 391, 395, and 396. In the course of that compliance investigation, Staff documented four critical violations of regulations codified in 49 CFR Parts 391 and 395.
- 3 On February 2, 2017, Staff notified MVP Moving that the compliance investigation resulted in a proposed unsatisfactory safety rating for MVP Moving based on the critical violations discovered during Staff’s review.
- 4 Federal law incorporated into the Commission’s rules prohibits motor carriers like MVP Moving from operating beginning on the 61st day after the date of the notice of a proposed unsatisfactory rating. A carrier may request a change in its safety rating based on evidence that the company has taken corrective actions to address the identified violations and that company operations currently meet the safety fitness standard as specified in 49 CFR 385.5 and 385.7.
- 5 MVP Moving must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than April 3, 2017. If MVP Moving fails to come into compliance by that date, the Commission will cancel its household goods

carrier permit effective April 4, 2017. MVP Moving would thereafter be prohibited from engaging in the business of a household goods carrier.

6 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of MVP Moving to provide services as a household goods carrier effective April 4, 2017, unless MVP Moving obtains Commission approval of a safety management plan prior to that date.**

7 The Company has the right to request a hearing in this matter. Due to the short time-frame determined by the upcoming deadline, and pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel MVP Moving's household goods carrier permit.

8 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a brief adjudicative proceeding in this matter at 1:30 p.m., on April 4, 2017, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

9 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.

10 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

11 **MVP Moving must submit its proposed safety management plan no later than 5:00 p.m. on Tuesday, March 21, 2017.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5:00 p.m. on March 28, 2017**, and bring an original and three (3) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140 and -145.

12 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

13 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Jeff Roberson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1188
jroberso@utc.wa.gov

Respondent: MVP Moving and Storage LLC
19219 68th Ave. S. Suite M111
Kent, WA 98032

14 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.

DATED at Olympia, Washington and effective February 21, 2017.

STEVEN V. KING
Executive Director and Secretary

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____