

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

URBAN DELIVERY SERVICE LLC

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

DOCKET TV-171185

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE  
PROCEEDING; SETTING TIME FOR  
ORAL STATEMENTS

**(Set for February 23, 2018, at 9:30 a.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 October 27, 2017, the Commission's staff (Staff) initiated a review of Urban Delivery Service LLC's (Urban Delivery) 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 133 critical violations that resulted in an unsatisfactory safety rating for Urban Delivery.
- 3 On December 27, 2017, Staff notified Urban Delivery that the compliance investigation resulted in a proposed unsatisfactory safety rating based on the critical violations discovered during Staff's review. On December 29, 2017, Staff received confirmation via certified mail that Urban Delivery had taken delivery of Staff's report and notice of the unsatisfactory rating.
- 4 Federal law incorporated into the Commission's rules prohibits motor carriers like Urban Delivery 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 Urban Delivery must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than February 27, 2018. If

Urban Delivery fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective February 28, 2018. Urban Delivery 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 Urban Delivery to provide services as a household goods carrier effective February 28, 2018, unless Urban Delivery 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 Urban Delivery's household goods carrier permit.

8 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a brief adjudicative proceeding in this matter at 9:30 a.m., on February 23, 2018, 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 **Urban Delivery must submit its proposed safety management plan no later than 5:00 p.m. on Friday, February 16, 2018.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file electronically with the Commission any such documents **no later than 5:00 p.m. on Tuesday, February 20, 2018.** Parties must, after filing such documents, 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: Brett P. Shearer  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1187  
bshearer@utc.wa.gov

Respondent: Urban Delivery Service LLC  
301 S. Webster St  
Seattle, WA 98108-4136  
derek@urbandeliveryservice.com

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

DATED at Olympia, Washington and effective January 16, 2018.

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.: (\_\_\_\_) \_\_\_\_\_