

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

GBU ENTERPRISES GRP., INC, D/B/A
GOLDEN VALLEY VAN LINES,

Respondent.

DOCKET TV-190395

ORDER 01

NOTICE OF INTENT TO CANCEL
HOUSEHOLD GOODS PERMIT;
NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING

(Set for **July 24, 2019, at 1:30 p.m.**)

1 The Washington Utilities and Transportation Commission (Commission) on its own motion,
and through Commission staff (Staff), allege as follows:

I. PARTIES

2 The Commission is an agency of Washington state authorized by state law to regulate the
rates, services, facilities, and practices of public services companies, including household
goods carriers, under the provisions of Title 81 RCW. RCW 81.80.130 authorizes the
Commission to regulate the safe operation of all common carriers, including household
goods carriers.

3 GBU Enterprises Grp., Inc., d/b/a Golden Valley Van Lines (GBU) is a household goods
carrier subject to Commission regulation.

II. BACKGROUND

4 The Commission has information from which it believes and therefore alleges that GBU has
violated the Commission’s statutes and safety regulations, namely, RCW 81.80.371, WAC
480-15-460, and WAC 480-15-470.

5 RCW 81.04.110 authorizes the Commission to file a complaint on its own motion, setting
forth any act done or failed to be done by any public service corporation in violation, or
claimed to be in violation, of any provision of law or of any rule or order of the
Commission. WAC 450-15-480(1)(e) states that the Commission may involuntarily cancel a
carrier’s permit if the carrier fails to comply with applicable laws and commission rules
pertaining to the operations of household goods carriers, including safety requirements set
out in law or rule.

6 The following facts, set forth in Staff’s declaration, establish probable cause for the Commission to complain against GBU in accordance with applicable law.

III. FACTUAL ALLEGATIONS

7 On February 11, 2019, the Federal Motor Carrier Safety Administration (FMCSA) concluded a safety review of GBU and determined that GBU had committed the following 54 violations:

- 4 violations of 49 C.F.R. Part 382
- 11 violations of 49 C.F.R. 391
- 2 violations of 49 C.F.R. 392, 25 violations of 49 C.F.R. Part 395, and
- 12 violations of 49 C.F.R. Part 396.

As a result of these violations, FMCSA gave GBU a proposed unsatisfactory rating.

8 On February 13, 2019, FMCSA sent a letter to GBU stating that GBU had a proposed unsatisfactory safety rating and that the rating would become final in 60 days if GBU did not take the necessary steps to improve its safety rating.

9 On April 15, GBU was designated “out of service” by FMCSA.

10 On May 2, 2019, Staff confirmed that GBU’s proposed unsatisfactory rating had become final.

IV. JURISDICTION

11 The Commission has jurisdiction over the subject matter of this complaint under RCW 80.01.040, RCW 80.01.060, RCW 81.01.010, RCW 81.04.020, RCW 81.04.110, RCW 81.04.160, RCW 81.04.380, chapter 81.80 RCW, and chapter 34.05 RCW.

V. APPLICABLE LAWS AND REGULATIONS

12 Under RCW 81.04.010(11), the term “common carrier” includes all household goods carriers. RCW 81.04.010(16) further defines “public service company” to include every common carrier.

13 RCW 81.04.160 authorizes the Commission to adopt rules regarding the services provided by public service companies.

14 WAC 480-15-560 and WAC 480-15-570 contain the Commission’s rules regarding safety of operation for household goods carriers. WAC 480-15-560 and WAC 480-15-570 have

specifically incorporated 49 C.F.R. Parts 382, 391, 392, 395, and 396 into the Commission's rules. WAC 480-15-999.

15 WAC 480-15-450(1)(e) states that the Commission may cancel a household goods carrier's permit if the carrier fails to comply with applicable laws and Commission rules pertaining to operation of household goods carriers, including safety requirements set in law or rule.

16 Furthermore, RCW 81.04.540 states "[t]he [C]ommission shall cooperate with the federal government and the United States Department of Transportation, or its successor, or any commission or agency delegated or authorized to regulate interstate or foreign commerce by common carriers, to the end that transportation of property and passengers by common carriers in interstate or foreign commerce into and through the state of Washington may be regulated and that the laws of the United States and the state of Washington are enforced and administered cooperatively in the public interest."

VI. COMPLAINT

17 The Commission, through its Staff, realleges the allegations contained in paragraphs 7 through 10 above.

VII. REQUEST FOR RELIEF

18 Staff requests that the Commission cancel GBU's permit pursuant to WAC 480-15-450.

VIII. PROBABLE CAUSE

19 Based on a review of Staff's declaration, and consistent with RCW 80.01.060, RCW 81.01.010, and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

IX. NOTICE OF INTENT TO CANCEL

20 WAC 480-15-450(1)(e) provides that the Commission may cancel a household goods carrier permit and authority for failure to comply with applicable laws and Commission rules pertaining to the operation of household goods carriers, including safety requirements set in law or rule. Staff recommends cancelling GBU's permit based on its multiple failures to comply with Commission rules, including safety requirements.

21 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of GBU to provide services as a household goods carrier, for cause, following a hearing on the factual allegations set out above.**

X. ORDER AND NOTICE OF BRIEF ADJUDICATIVE PROCEEDING

- 22 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for determining whether the alleged violations occurred, and, if so, the appropriate remedy for those violations.
- 23 **THE COMMISSION GIVES NOTICE that it will hold a brief adjudicative proceeding in this matter at 1:30 p.m., July 24, 2019, at the Commission's Headquarters in its Hearing Room, First Floor, 621 Woodland Square Loop SE, Lacey, Washington.**
- 24 **THE COMMISSION ORDERS GBU to appear before the Commission in this proceeding on July 24, 2019, at 1:30 p.m. in its Hearing Room, 621 Woodland Square Loop SE, Lacey, Washington.**
- 25 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.
- 26 Written notice of any other stage in the proceeding or other formal proceeding 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.
- 27 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file such documents, as well as a list enumerating and describing any such documents with the Commission **no later than 5 p.m. July 17, 2019**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and - 145.
- 28 **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.**
- 29 The names and mailing addresses of all parties and their known representatives are as follows:

Complainant: Washington Utilities and Transportation
Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Harry Fukano
Assistant Attorney General
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1125
harry.fukano@utc.wa.gov

Respondent: GBU Enterprises Grp., Inc, d/b/a Golden Valley Van Lines
2710 104th Ct. S. # B
Lakewood, WA 98499

Representative: Ilona V.
2710 104th Ct. S. # B
Lakewood, WA 98499
(855) 246-6687
info@goldenvalleyvanlines.us

30 Administrative Law Judge Laura Chartoff, from the Commission's Administrative Law Division, is designated to preside at the brief adjudicative proceeding.¹

DATED at Olympia, Washington, and effective June 14, 2019.

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Judge
Director, Administrative Law Division

Inquiries should be addressed to:

Executive Director and Secretary
Washington Utilities and
Transportation Commission
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

¹ Judge Chartoff can be reached at laura.chartoff@utc.wa.gov or (360) 664-1139.

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Mark L. Johnson, 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.: (____)_____