

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

JESUS E. ALVARADO D/B/A 2
BROTHERS MOVING SERVICES

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

DOCKET TV-190573

NOTICE OF INTENT TO CANCEL
PERMIT AS A HOUSEHOLD GOODS
CARRIER

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS
**(Set for August 22, 2019,
at 9:30 a.m.)**

- 1 Pursuant to RCW 81.80.130, the Washington Utilities and Transportation Commission (Commission) has authority to regulate common carriers, including household goods carriers, with respect to safety of operations. WAC 480-15-450 provides that the Commission may cancel a household goods carrier's permit and operating authority for good cause, including where the carrier fails to comply with safety requirements. Commission staff (Staff) recommends that the Commission cancel the permit of Jesus E. Alvarado d/b/a 2 Brothers Moving Services (2 Brothers Moving or Company) for good cause due to the Company's failure to comply with applicable laws and Commission rules pertaining to operation of household goods carriers, including safety requirements set in law or rule.
- 2 WAC 480-15-999 adopts by reference Title 49 of the Code of Federal Regulations (C.F.R.) pertaining to safety requirements for household goods carriers. WAC 480-15-560 specifically requires carriers to comply with 49 C.F.R. Part 385. 49 C.F.R. § 385.13 prohibits motor carriers from operating beginning on the 61st day after the date of a notice of proposed unsatisfactory rating. Pursuant to 49 C.F.R. § 385.17, a carrier that receives a proposed unsatisfactory or conditional safety rating 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 the company's operations currently meet the safety fitness standards.
- 3 In May 2017, the Commission granted the Company a provisional household goods carrier permit.
- 4 In June 2019, Staff conducted an investigation of 2 Brothers Moving's compliance with the safety requirements in WAC 480-15. As a result of the compliance investigation, Staff documented 14 safety requirement violations and proposed a conditional safety rating for the Company. Staff notified the Company of this proposed rating on June 26, 2019.

5 Under the circumstances presented in this case, the Commission determines that it will afford 2 Brothers Moving the same opportunity as companies that have received a proposed unsatisfactory rating to provide evidence, in the form of an approved safety management plan, showing that the Company has taken corrective action to address the identified violations. 2 Brothers Moving must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than August 25, 2019. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective August 26, 2019. Thereafter, as an unregistered company, 2 Brothers Moving would be prohibited from providing household goods carrier services in the state of Washington.

6 **THE COMMISSION GIVES NOTICE: That it intends to cancel the permit and authority of 2 Brothers Moving to provide services as a household goods carrier effective August 26, 2019, for cause, following a hearing on the factual allegations set out above, unless the Company 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 2 Brothers Moving's provisional 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., August 22, 2019 in the Commission's Hearing Room, 621 Woodland Square Loop SE, Lacey, 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 **2 Brothers Moving must submit its proposed safety management plan no later than 5 p.m. on August 5, 2019.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file any such documents with the Commission, as well as a list enumerating and describing any such documents, **no later than 5 p.m., August 15, 2019** and bring four (4) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140.

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
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Joe Dallas
Assistant Attorney General
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1192
joe.dallas@utc.wa.gov

Respondent: Jesus E. Alvarado d/b/a
2 Brothers Moving Services
1729 194th St. Suite 38
Bothell, WA 98012
(206) 407-8280
Brthers2@hotmail.com

Representative: Unknown

14 Administrative Law Judge Laura Chartoff, from the Commission's Administrative Law Division, will preside during this proceeding.¹

DATED at Lacey, Washington and effective July 15, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

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

Inquiries may be addressed to:

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

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 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.: (____) _____