

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

DIARRA MOVING & DELIVERY  
SERVICES LLC

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

DOCKET TV-190788

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE  
PROCEEDING; SETTING TIME FOR  
ORAL STATEMENTS

**(Set for Tuesday, November 12, 2019, at  
10 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, which includes a carrier's failure to comply with applicable laws and Commission rules, including those governing the safe operation of household goods carriers.
- 2 The Commission's rules provide that it will deny an application for permanent authority where the applicant has not successfully completed the requirements for permanent authority within 18 months of the date the applicant receives a provisional household goods carrier permit.<sup>1</sup> The Commission may extend the provisional period where the applicant shows good cause.<sup>2</sup>
- 3 One of the requirements for permanent authority is that the applicant has achieved a satisfactory safety rating.<sup>3</sup> An applicant can show good cause to extend the provisional period by demonstrating that, while they have not achieved a satisfactory safety rating, they have made substantial progress towards that end.
- 4 Diarra Moving & Delivery Services LLC (Diarra Moving or Company) holds a provisional household goods carrier permit issued by the Commission on February 9, 2018.
- 5 In August 2019, Commission staff (Staff) reviewed Diarra Moving's compliance with chapter 480-15 WAC, which adopts, among other provisions, Title 49 of the Code of

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<sup>1</sup> WAC 480-15-305(3).

<sup>2</sup> WAC 480-15-305(1)(b).

<sup>3</sup> See WAC 480-15-305(1)(e).

Federal Regulations (C.F.R.), Parts 390, 391, 395, and 396.<sup>4</sup> In the course of that compliance investigation, Staff documented critical violations of regulations codified in 49 C.F.R. Parts 395 and 396, critical-type violations of WAC 480-15-555, as well as violations of regulations codified in WAC 480-15-710 and 49 C.F.R. Parts 390, 391, and 396. The review resulted in a proposed conditional safety rating for Diarra Moving.

- 6 On September 16, 2019, Staff notified Diarra Moving that the compliance investigation resulted in a proposed conditional safety rating.
- 7 A carrier receiving less than a satisfactory 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 company operations currently meet the safety fitness standard as specified in 49 CFR § 385.5 and § 385.7.
- 8 Under the circumstances presented in this case, the Commission determines that it will afford Diarra 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. Diarra Moving must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than November 1, 2019. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective November 15, 2019. Thereafter, as an unregistered company, Diarra Moving would be prohibited from providing household goods carrier services in the state of Washington.
- 9 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of Diarra Moving to provide services as a household goods carrier effective November 15, 2019, unless Diarra Moving obtains Commission approval of a safety management plan prior to that date.**
- 10 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 Diarra Moving's household goods carrier permit.
- 11 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a brief adjudicative proceeding in this matter at 10 a.m. on November 12, 2019, in the Commission's Richard Hemstad Hearing Room, 621 Woodland Square Loop S.E., Lacey, Washington, 98503.**

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<sup>4</sup> WAC 480-15-560, -570.

- 12 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.
- 13 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 Lacey, Washington, copies of documents in the current record for use by the parties or others who may want to review them.
- 14 **Diarra Moving must submit its proposed safety management plan no later than 5 p.m. on November 1, 2019.** 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 p.m. on November 1, 2019**, and bring an original and three (3) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140.
- 15 **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.**
- 16 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: Jeff Roberson  
Assistant Attorney General  
621 Woodland Sq. Loop SE  
P.O. Box 40128  
Lacey, WA 98503  
(360) 664-1188  
[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)

Respondent: Diarra Moving & Delivery Services LLC  
6527 Rainier Ave S Apt. 6  
Seattle, WA 98118-3362

17 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.<sup>5</sup>

DATED at Olympia, Washington and effective October 3, 2019.

MARK L. JOHNSON  
Executive Director and Secretary

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<sup>5</sup> Judge Pearson can be reached at (360) 664-1136 or rayne.pearson@utc.wa.gov.

**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: Mark L. Johnson, 621 Woodland Square Loop SE, 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.: (\_\_\_\_) \_\_\_\_\_