

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

BACKBREAKERS NW, LLC

For Compliance with WAC 480-15-555,  
WAC 480-15-560, and WAC 480-15-570

DOCKET TV-200153

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE  
PROCEEDING; SETTING TIME FOR  
ORAL STATEMENTS

**(Set for April 16, 2020, at 9:30 a.m.)**

- 1 Pursuant to RCW 81.80.130, the Washington Utilities and Transportation Commission (Commission) regulates 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 On March 3, 2020, the Commission staff (Staff) completed a compliance review of Backbreakers NW, LLC, (Backbreakers or Company) with the requirements of WAC 480-15-555, and the safety requirements codified in WAC 480-15-560 and WAC 480-15-570. WAC 480-15-560 and WAC 480-15-570 adopt, among other provisions, Title 49 of the Code of Federal Regulations (C.F.R.) Parts 391, 392, 393, 395, and 396. Staff documented 97 critical or critical-type violations of regulations codified in 49 C.F.R. Parts 391, 395, and 396, five critical violations of WAC 480-15-555, and nine non-critical violations of 49 C.F.R. Part 391, 393 and WAC 480-15-480.
- 3 On March 3, 2020, Staff notified Backbreakers that the investigation resulted in a proposed unsatisfactory safety rating for the Company based upon the critical violations discovered during Staff's review.
- 4 Federal law incorporated into the Commission's rules prohibits motor carriers like Backbreakers 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 C.F.R. Parts 385.5 and 385.7.

5 Backbreakers must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than May 3, 2020. If Backbreakers fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective May 3, 2020. Backbreakers 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 Backbreakers to provide services as a household goods carrier effective May 3, 2020, unless Backbreakers 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 Backbreakers' 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 April 16, 2020, in the Commission's Richard Hemstad 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 Lacey, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

11 **Backbreakers must submit its proposed safety management plan no later than 5 p.m. on April 2, 2020.** 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 April 9, 2020**, 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  
P.O. Box 47250  
Olympia, WA 98504-7250

Representative: Jeff Roberson  
Assistant Attorney General  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1188  
[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)

Respondent: Backbreakers NW, LLC  
Jeff Hansen, Owning Member  
P.O. Box 521  
Freeland, WA 98249

14 Administrative Law Judge Samantha Doyle, from the Commission's Administrative Law Division, will preside during this proceeding.<sup>1</sup>

DATED at Olympia, Washington and effective March 10, 2020.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON  
Executive Director and Secretary

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<sup>1</sup> Judge Doyle can be reached by email at [samantha.doyle@utc.wa.gov](mailto:samantha.doyle@utc.wa.gov) or by phone at (360) 664-1164.

**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 and return this form 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 (\_\_\_\_\_) \_\_\_\_\_