

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

I HEART MOVERS, LLC

For Compliance with WAC 480-15-555,
WAC 480-15-560, WAC 480-15-570,
and WAC 480-15-590

DOCKET TV-200628

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS

(Set for August 26, 2020, at 1:30 p.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 I Heart Movers, LLC, (IHM) holds Commission-issued household goods carrier permit number THG068716, which authorizes it to engage in business as an intrastate household goods carrier.
- 3 Between April and July 2020, the Commission's staff (Staff) reviewed IHM's compliance with the requirements of WAC 480-15-555, WAC 480-15-560, WAC 480-15-570, and WAC 480-15-590. WAC 480-15-560 and WAC 480-15-570 adopt by reference, among other provisions, Title 49 of the Code of Federal Regulations (CFR), Parts 390, 391, 392, 395, and 396.
- 4 In the course of its compliance investigation, Staff documented 64 violations of critical regulations codified in 49 CFR Parts 391 and 395, 5 critical-type violations of WAC 480-15-555, 32 violations of WAC 480-15-590, 3 violations of regulations codified in 49 CFR Parts 390 and 396, and 1 violation of RCW 81.04.070.
- 5 On July 8, 2020, Staff completed its compliance investigation and notified IHM that the investigation resulted in a proposed unsatisfactory safety rating for the company.
- 6 Federal law incorporated into the Commission's rules prohibits motor carriers like IHM 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 specified in 49 CFR 385.5 and 385.7.

7 IHM must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than September 7, 2020. If IHM fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective September 8, 2020. IHM would thereafter be prohibited from engaging in the business of a household goods carrier.

8 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of IHM to provide services as a household goods carrier effective September 8, 2020, unless IHM obtains Commission approval of a safety management plan prior to that date.**

9 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 IHM's household goods carrier permit.

10 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 1:30 p.m. on August 26, 2020. To attend the proceeding by telephone, please call (360) 407-3810 and enter the Conference ID: 1553028. To participate via Skype for Business, please use the following link: <https://lync.wa.gov/utc.wa.gov/meet/aldcalendar/6FS8PBLZ>.**

11 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.

12 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.

13 **IHM must submit its proposed safety management plan no later than 5 p.m. on August 12, 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 August 19, 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.

- 14 **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.**
- 15 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and
Transportation Commission
621 Woodland Square Loop S.E.
Lacey, WA 98503

Representative: Jeff Roberson
Assistant Attorney General
621 Woodland Square S.E.
Lacey, WA 98503
(360) 664-1188
jeff.roberson@utc.wa.gov

Respondent: I Heart Movers, LLC
Deavondia Taylor
Registered Agent and Governor
2727 NE 125th Street, Apt. 10
Seattle, WA 98125

- 16 Administrative Law Judge Samantha Doyle, from the Commission's Administrative Law Division, will preside during this proceeding.¹

DATED at Olympia, Washington and effective July 20, 2020

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

/s/ Mark L. Johnson
MARK L. JOHNSON
Executive Director and Secretary

¹ Judge Doyle can be reached at (360) 742-4451 or samantha.doyle@utc.wa.gov.

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and
Transportation Commission
621 Woodland Square Loop S.E.
Lacey, WA 98503
(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 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 (_____) _____