

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

JOHN F. TUTTLE, D/B/A
ALTO MOVING

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

DOCKET TV-200775

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS

(Set for October 20, 2020, at 9:30 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.
- 2 John F. Tuttle does business as Alto Moving (Alto or Company). Alto received Commission-issued provisional permit number THG068236 in May 2018. That permit authorizes Alto to engage in business as an intrastate household goods carrier.
- 3 Between May and September 2020, the Commission's staff (Staff) reviewed Alto'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, among other provisions, Title 49 of the Code of Federal Regulations (C.F.R.) Parts 391, 393, 395, and 396.
- 4 In the course of its compliance investigation, Staff documented 124 critical or critical-type violations of regulations codified in 49 CFR Parts 391 395, and 396; 6 critical-type violations of WAC 480-15-555; and 12 violations of WAC 480-15-590 and regulations codified in 49 C.F.R. Parts 393 and 396.
- 5 In September 2020, Staff completed its safety review and notified Alto that the review produced a proposed conditional safety rating for the Company.
- 6 A carrier may request a change in its safety rating based on evidence that it has taken corrective actions to address the identified violations and that company operations currently meet the safety fitness standard specified in 49 C.F.R. 385.5 and 385.7.
- 7 The Commission will grant permanent operating authority to a carrier that successfully completes its provisional period. Doing so requires, among other things, the carrier to receive a satisfactory safety rating in a review conducted by Staff. WAC 480-15-305(1)(c). If a carrier fails to receive a satisfactory safety rating within 18 months of

obtaining its provisional permit, the Commission will cancel that permit and dismiss the company's application for permanent authority unless the Commission finds good cause to extend the provisional period. WAC 480-15-305(3).

8 Under the circumstances presented in this case, the Commission determines that it will afford Alto 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. Alto must come into compliance with applicable laws by obtaining a Commission approval of a safety management plan no later than October 30, 2020. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective November 2, 2020. Thereafter, as an unregistered company, Alto would be prohibited from providing household goods carrier service in the state of Washington.

9 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of Alto to provide services as a household goods carrier effective November 2, 2020, for cause, following a hearing on the factual allegations set out above, unless Alto obtains Commission approval of a safety management plan prior to that date.**

10 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 Alto's household goods carrier permit.

11 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 9:30 a.m., on October 20, 2020. To attend the hearing by telephone, please call (253) 372-2181 and enter the conference ID: 441 628 560#. To attend via Microsoft Teams, please use the following link: [Join Microsoft Teams Meeting](#).**

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 **Alto must submit its proposed safety management plan no later than 5 p.m. on October 6, 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 October 13, 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.

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
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1188
jeff.roberson@utc.wa.gov

Respondent: John F. Tuttle, d/b/a Alto Moving
4221 30th Ave. SW #13
Seattle, WA 98126
jtuttledigital@gmail.com

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

DATED at Olympia, Washington and effective September 15, 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 samantha.doyle@utc.wa.gov or (360) 742-4451.

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 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 (_____) _____