

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

In the Matter of the Investigation of	DOCKET TV-200875
ED'S MOVING AND STORAGE, INC.	NOTICE OF INTENT TO CANCEL
For Compliance with WAC 480-15-560 and WAC 480-15-570.	NOTICE OF BRIEF ADJUDICATIVE PROCEEDING; SETTING TIME FOR ORAL STATEMENTS (Set for December 8, 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.
- 2 Ed's Moving and Storage, Inc., (Ed's Moving or Company) engages in business as a household goods carrier under Commission-issued provisional permit number THG-019094.
- 3 Between July and October 2020, the Commission's staff (Staff) reviewed Ed's Moving's compliance with the requirements of WAC 480-15-560 and WAC 480-15-570, which adopt, among other provisions, Title 49 of the Code of Federal Regulations (CFR), Parts 382, 383, 390, 391, 395, and 396. Staff's investigation also involved review of WAC 480-15-530 and WAC 480-15-555.
- 4 In October 2020, Staff completed an investigation of Ed's Moving's compliance with the safety requirements in WAC 480-15. As a result of the compliance investigation, Staff documented 187 occurrences of safety requirement violations and proposed a conditional safety rating for the Company. Staff notified the Company of this proposed rating on October 12, 2020.
- 5 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 CFR 385.5 and 385.7.
- 6 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)(e). If a carrier fails to receive a satisfactory safety rating within 18 months of obtaining its provisional permit, the Commission will cancel the carrier's provisional 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).

7 Under the circumstances presented in this case, the Commission determines that it will afford Ed's 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 it has taken corrective action to address the identified violations. Ed's Moving must come into compliance with applicable laws by obtaining a Commission approval of a safety management plan no later than December 11, 2020. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective December 14, 2020. Thereafter, as an unregistered company, Ed's Moving would be prohibited from providing household goods carrier service in the state of Washington.

8 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of Ed's Moving to provide services as a household goods carrier effective December 14, 2020, for cause, following a hearing on the factual allegations set out above, unless Ed's Moving obtains Commission approval of a safety management plan prior to that date.**

9 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 Ed's Moving'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 December 8, 2020. To attend the hearing by telephone, please call (253) 372-2181 and enter the conference ID: 958 132 882#. To attend via Microsoft Teams, please use the following link: [Click here to join the meeting.](#)**

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 **Ed's Moving must submit its proposed safety management plan no later than 5 p.m. on November 30, 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 December 1, 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
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Harry Fukano
Assistant Attorney General
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1225
harry.fukano@utc.wa.gov

Respondent: Ed's Moving and Storage
4823 95th Street SE, Ste. E
Lakewood, WA 98499
jjohnson@edsmoving.com

16 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.¹

DATED at Lacey, Washington and effective November 16, 2020

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

¹ Judge Pearson can be reached by email at rayne.pearson@utc.wa.gov or by phone at (360) 664-1136.

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 (_____) _____