

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

ED'S MOVING & STORAGE INC.

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

DOCKET TV-210640

NOTICE OF INTENT TO CANCEL
PERMIT AS A HOUSEHOLD GOODS
CARRIER

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS
(Set for October 12, 2021, at 9:30 a.m.)

- 1 Pursuant to RCW 81.80.130, the Washington Utilities and Transportation Commission (Commission) has authority to regulate common carriers, including household goods carriers, with respect to safety of operations. WAC 480-15-450 provides that the Commission may cancel a household goods carrier's permit and operating authority for good cause, including when the carrier fails to comply with safety requirements. Commission staff (Staff) recommends that the Commission cancel the permit of Ed's Moving & Storage Inc. (Ed's Moving or Company) for good cause due to the Company's ongoing failure to comply with applicable laws and Commission rules pertaining to the operation of household goods carriers, including safety requirements set in law or rule.
- 2 WAC 480-15-999 adopts by reference Title 49 of the Code of Federal Regulations (C.F.R.) pertaining to safety requirements for household goods carriers. WAC 480-15-560 specifically requires carriers to comply with 49 C.F.R. Part 385, and 49 C.F.R. § 385.13 prohibits motor carriers from operating beginning on the 61st day after the date of a notice of proposed unsatisfactory rating. Pursuant to 49 C.F.R. § 385.17, a carrier that receives a proposed unsatisfactory or conditional 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 the company's operations currently meet the safety fitness standards.
- 3 On April 25, 2019, the Commission granted the Company a provisional household goods carrier permit.
- 4 In November 2020, the Commission notified Ed's Moving of its intent to cancel the Company's provisional permit after the Staff completed a compliance review of the Company's operations that resulted in a proposed conditional safety rating.
- 5 Ed's Moving requested an upgrade to its proposed safety rating based on its submission of a safety management plan, which provided evidence that it had taken

corrective actions to address the violations identified by Staff and that its operations met the safety fitness standard specified in 49 C.F.R. §§ 385.5 and 385.7.

- 6 The Commission approved the Company's safety management plan and refrained from cancelling Ed's Moving's provisional permit. The Commission did not upgrade Ed's Moving's safety rating, though it did extend the Company's provisional period for good cause.
- 7 On August 26, 2021, 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 47 safety requirement violations and proposed a conditional safety rating for the Company. Staff notified the Company of this proposed rating on August 26, 2021. 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 the Company has taken corrective action to address the identified violations. Ed's Moving must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than October 25, 2021. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective October 26, 2021. Thereafter, as an unregistered company, Ed's Moving would be prohibited from providing household goods carrier services 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 October 26, 2021, for cause, following a hearing on the factual allegations set out above, unless the Company obtains Commission approval of a safety management plan prior to that date.**
- 9 Pursuant to WAC 480-15-450(2) the Commission will hold a hearing prior to cancelling a household goods permit for a company's failure to comply with applicable laws and commission rules pertaining to operations of household goods carriers, including safety requirements set in law or rule. Accordingly, the Commission determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel Ed's Moving household goods carrier permit.
- 10 **THE COMMISSION GIVES FURTHER NOTICE: That it will hold a virtual brief adjudicative proceeding in this matter at 9:30 a.m. on October 12, 2021. To attend the hearing by telephone, please call (253) 372-2181 and enter the conference ID: 958 938 212#. 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 on its website, www.utc.wa.gov, 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 October 5, 2021.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must electronically file any such documents with the Commission a list enumerating and describing any such documents **no later than 5 p.m. on October 5, 2021.** Filing shall be in accordance with WAC 480-07-140.
- 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: Joe Dallas
Assistant Attorney General
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1192
joe.dallas@utc.wa.gov

Respondent: Ed's Moving & Storage Inc.
4823 95th Street SW Ste E
Lakewood, WA 98499
(253) 581-2446
jjohnson@edsmoving.com

Representative: Unknown

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

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

DATED at Lacey, Washington, and effective August 31, 2021.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

A handwritten signature in black ink, appearing to read "Mark L. Johnson", written in a cursive style.

MARK L. JOHNSON
Executive Director and Secretary

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 this form and return it to Washington State Utilities and Transportation Commission, Attention: Mark L. Johnson, P. O. Box 47250, Olympia, WA 98504-7250, or via email to mark.l.johnson@utc.wa.gov. **(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.: (____) _____