

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

ULTIMATE MOVERS LLC

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

DOCKET TV-210786

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME
FOR ORAL STATEMENTS
**(Set for December 9, 2021,
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 Ultimate Movers LLC (Ultimate Movers or Company) engages in business as a household goods carrier under Commission-issued provisional permit number THG-068277.
- 3 Between September and October 2021, the Commission's staff (Staff) reviewed Ultimate Movers' compliance with the requirements of Washington Administrative Code (WAC) 480-15-555, WAC 480-15-560, and WAC 480-15-570, which adopt, among other provisions, Title 49 of the Code of Federal Regulations (C.F.R.) Parts 390, 391, 392, 395, and 396.
- 4 In October 2021, Staff completed an investigation of Ultimate Movers' compliance with the safety requirements in WAC 480-15. As a result of the compliance investigation, Staff documented 161 occurrences of safety requirement violations, including 155 critical violations, and proposed an unsatisfactory safety rating for the Company. Staff notified the Company of this proposed rating on October 7, 2021.
- 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 C.F.R. § 385.5 and § 385.7.
- 6 The Commission will grant permanent operating authority to a carrier that successfully completes its provisional period. Successful completion requires, among other things, that the carrier receives a satisfactory safety rating based on a review conducted by Staff.¹ 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

¹ WAC 480-15-305(1)(e).

the company's application for permanent authority unless the Commission finds good cause to extend the provisional period. WAC 480-15-305(3).

- 7 The Commission will afford Ultimate Movers an opportunity to provide evidence, in the form of an approved safety management plan, showing that it has taken corrective action to address the identified violations. Ultimate Movers must come into compliance with applicable laws by obtaining a Commission approval of a safety management plan no later than December 17, 2021. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective December 18, 2021. Thereafter, as an unregistered company, Ultimate Movers 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 Ultimate Movers to provide services as a household goods carrier effective December 18, 2021, for cause, following a hearing on the factual allegations set out above, unless Ultimate Movers 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 Ultimate Movers' household goods carrier permit.
- 10 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter on December 9, 2021, at 1:30 p.m. To attend the hearing by telephone, please call (253) 215-8782 and enter the Meeting ID 912 1543 0433# and the Passcode 732557#. To attend via Zoom, please use the following link: [Click here to Join 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 **Ultimate Movers must submit its proposed safety management plan no later than 5 p.m. on November 24, 2021.** 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 2, 2021**, and provide any such documents to Staff counsel and the presiding offer by email by **5 p.m. on December 8, 2021**.

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: Moses Ngathu
8310 84th Ave SW #828
Lakewood, WA 98498
mossesgathu@ymail.com

16 Administrative Law Judge Andrew J. O'Connell, from the Commission's Administrative Law Division, will preside during this proceeding.²

DATED at Lacey, Washington, and effective November 3, 2021

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary

² Judge O'Connell can be reached by email at andrew.j.oconnell@utc.wa.gov or by phone at (360) 664-1285.

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: Amanda Maxwell
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 (_____) _____