

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

PNW MOVING AND DELIVERY
LLC,

For Compliance with WAC 480-15-550,
WAC 480-15-555, WAC 480-15-560,
WAC 480-15-570, and WAC 480-15-590.

DOCKET TV-220133

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME
FOR ORAL STATEMENTS
**(Set for April 13, 2022,
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 PNW Moving and Delivery LLC (PNW or Company) engages in business as a household goods carrier under Commission-issued provisional permit number THG-067549.
- 3 In 2020, the Commission's staff (Staff) reviewed PNW's compliance with the laws governing the safe operation of household goods carriers and documented over 100 critical and critical-type violations of state and federal law, among other violations. The Commission issued notice of its intent to cancel PNW's provisional household goods carrier permit based on the Company's failure to obtain a satisfactory safety rating; ultimately the Commission allowed PNW to retain its operating authority after PNW submitted a satisfactory safety management plan. *In re Investigation of PNW Moving & Delivery LLC*, Dockets TV-200419 & TV-200421, Order 01, 6 ¶ 28 (June 24, 2020). In doing so, the Commission extended PNW's provisional period. *Id.* at 6 ¶ 29.
- 4 Between January and February 2022, Staff again reviewed PNW's compliance with the requirements of Washington Administrative Code (WAC) 480-15-550, 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 Parts 376, 387, 390, 391, 392, 395, and 396.
- 5 During its investigation, Staff documented 1 acute-type violation (with 82 individual occurrences) of WAC 480-15-550; 65 critical or critical-type violations (with 175 individual occurrences) of WAC 480-15-555, WAC 480-15-560, and WAC 480-15-570, and the federal regulations incorporated by those provisions; and 29 other violations of chapter 480-15 WAC and the federal regulations incorporated into state law by the chapter, including a violation for an out-of-service vehicle.

- 6 Staff's investigation produced another conditional safety rating for PNW. Staff notified the Company of the proposed rating on February 23, 2022.
- 7 The Commission will grant permanent operating authority to a carrier that successfully completes its provisional period. Doing so requires the carrier to, among other things, 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 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).
- 8 Staff recommends that the Commission cancel PNW's provisional household goods carrier permit based on its failure to obtain a satisfactory safety rating in either of the compliance reviews conducted by Staff during its extended provisional period.
- 9 Under the circumstances presented in this case, the Commission determines that it will afford PNW 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.
- 10 PNW must come into compliance with applicable laws by obtaining a Commission approval of a safety management plan no later than April 22, 2022. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective April 25, 2022. Thereafter, as an unregistered company, PNW would be prohibited from providing household goods carrier service in the state of Washington.
- 11 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of PNW to provide services as a household goods carrier effective April 25, 2022, 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.**
- 12 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 PNW's household goods carrier permit.
- 13 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 1:30 p.m., April 13, 2022. To attend the hearing by telephone, please call (253) 215-8782 and enter the Meeting ID: 926 7083 9596# and Passcode: 837731#. To attend via Zoom, please use the following link: [Click to Join Meeting](#).**

- 14 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.
- 15 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.
- 16 **PNW must submit its proposed safety management plan no later than 5 p.m. on March 30, 2022.** 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 April 6, 2022**, and provide any such documents to the other parties and the presiding offer by email **by 5 p.m. April 6, 2022**.
- 17 **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.**
- 18 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
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Respondent: PNW Moving and Delivery LLC
Dmitry Satir
Governor and Registered Agent
2112 109th Street S.,
Tacoma, WA 98444
(253) 579-7122
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19 Administrative Law Judge Rayne Pearson from the Commission's Administrative Law Division, will preside during this proceeding.¹

DATED at Lacey, Washington and effective March 10, 2022.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
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

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

NOTICE

Hearings are accessible to persons with disabilities and persons who do not speak English as a first language. If limited English-speaking or 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 provide the information requested below via email to Paige Doyle, paralegal, at paige.doyle@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: _____