

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

SUPERHEROES MOVING AND
STORAGE LLC

For Compliance with WAC 480-15-530,
WAC 480-15-550, WAC 480-15-555, WAC
480-15-560, and WAC 480-15-570.

DOCKET TV-220321

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS

(Set for June 15, 2022, 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 Superheroes Moving and Storage LLC (Superheroes) engages in business as a household goods carrier under Commission-issued provisional permit number THG-069055.
- 3 Between March and April 2022, the Commission's staff (Staff) reviewed Superheroes' compliance with the requirements of WAC 480-15-530, WAC 480-15-550, WAC 480-15-555, WAC 480-15-560, and WAC 480-15-570. WAC 480-15-560 and WAC 480-15-570 adopt, among other provisions, Title 49 of the Code of Federal Regulations (CFR), Parts 391, 395, and 396.
- 4 During its compliance investigation, Staff discovered that Superheroes operated on 76 occasions between the cancellation of its permit in July 2021 and the reinstatement of its permit in January 2022, violating RCW 81.80.075 on each of those occasions. Staff also documented two acute-type violations the Commission's rules; 15 critical-type violations of the Commission's rules; 57 critical violations of federal regulations incorporated into the Commission's rules; five out-of-service violations of commercial motor vehicles; and 56 non-acute, non-critical violations of the Commission's rules or the federal regulations incorporated into the Commission's rules.
- 5 On April 28, 2022, Staff completed its investigation and notified Superheroes that the investigation produced a proposed unsatisfactory safety rating for the company.
- 6 Federal law incorporated into the Commission's rules prohibits motor carriers like Superheroes from operating beginning on the 61st day after the date of the notice of a proposed unsatisfactory rating. 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.

7 Superheroes must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than June 24, 2022. If Superheroes fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective June 28, 2022. Superheroes would thereafter be prohibited from engaging in the business of a household goods carrier.

8 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of Superheroes to provide services as a household goods carrier effective June 28, 2022, for cause, following a hearing on the factual allegations set out above, unless Superheroes 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 Superheroes' 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 June 15, 2022.** To attend the hearing by telephone, please call (253) 215-8782 and enter the Meeting ID: 811 8721 0456# and Passcode: 569843#. To attend via Zoom, please use the following link: [Click 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 **Superheroes must submit its proposed safety management plan no later than 5 p.m. on June 1, 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 June 8, 2022**, 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
621 Woodland Square Loop SE
Lacey, WA 98503

Representative: Jeff Roberson
Assistant Attorney General
621 Woodland Square SE
Lacey, WA 98503
(360) 664-1188
jeff.roberson@utc.wa.gov

Respondent: Superheroes Moving and Storage LLC
Ryan Doherty, Governor
4630 16th St. E., Suite B6
Federal Way, WA 98424
(253) 328-1012
owner@superheroesmoving.com

16 Administrative Law Judge Andrew O'Connell, from the Commission's Administrative Law Division, will preside during this proceeding.¹

DATED at Lacey, Washington and effective May 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 O'Connell can be reached at (360) 664-1285 or andrew.j.oconnell@utc.wa.gov.

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: _____