

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

JFS TRANSPORT, INC,

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

DOCKET TV-220509

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME
FOR ORAL STATEMENTS
(Set for August 19, 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 JFS Transport, Inc., d/b/a Coast Movers (JFS Transport or Company) engages in business as a household goods carrier under Commission-issued provisional permit number HG-064232.
- 3 Between March and June 2022, the Commission's staff (Staff) reviewed JFS Transport's compliance with the requirements of Washington Administrative Code (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. Staff also reviewed the Company's compliance with WAC 480-15-480, WAC 480-15-530, WAC 480-15-550, and WAC 480-15-555.
- 4 In June 2022, Staff completed an investigation of JFS Transport's compliance with the safety and other requirements in WAC 480-15. As a result of the compliance investigation, Staff documented 83 violations of Commission rules,¹ including 69 acute or critical violations.² On June 29, Staff notified the Company that the investigation resulted in a proposed unsatisfactory safety rating based on the acute and critical violations discovered and provided the Company a copy of the investigation report.

¹ The total violations include 5 violations of 49 C.F.R. Parts 393 and 396 found during commercial vehicle inspections. These violations did not affect the Company's safety rating.

² An acute violation is a violation of a regulation where "noncompliance is so severe as to require immediate corrective actions by a motor carrier regardless of the overall safety posture of the motor carrier." 49 C.F.R. Part 385, Appendix B.II.b; WAC 480-15-560; WAC 480-15-570; WAC 480-14-999. A critical violation is a violation of a regulation where "noncompliance relates to management and/or operational controls. These are indicative of breakdowns in a carrier's management controls." 49 C.F.R. Part 385, Appendix B.II.c; WAC 480-15-560; WAC 480-15-570; WAC 480-14-999.

- 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.³ 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 The Commission will afford JFS Transport 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. JFS Transport must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than August 26, 2022. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective August 29, 2022. Thereafter, as an unregistered company, JFS Transport 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 JFS Transport to provide services as a household goods carrier effective August 29, 2022, for cause, following a hearing on the factual allegations set out above, unless JFS Transport 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 JFS Transport's 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 August 19, 2022. To attend the hearing by telephone, please call (253) 215 8782 and enter the conference ID: 835 2412 1289# and use the Passcode: 163613#. To participate via Zoom, 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

³ WAC 480-15-305(1)(e).

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 **JFS Transport must submit its proposed safety management plan no later than 5 p.m. on August 5, 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 August 12, 2022**, and provide any such documents to Staff counsel and the presiding officer by email **by 5 p.m. on August 12, 2022**.
- 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
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(360) 664-1225
harry.fukano@utc.wa.gov

Respondent: Jonathon Sheridan
Owner
PO Box 190
Gig Harbor, WA 98335
253-961-4163
jfsmoving@yahoo.com

- 16 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law

Division, will preside during this proceeding.⁴

DATED at Lacey, Washington and effective July 21, 2022

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

/s/ Amy Andrews on behalf of
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

⁴ Judge Pearson can be reached by email at rayne.pearson@utc.wa.gov or by phone at (360) 664-1136.

NOTICE

Hearing facilities 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: _____