

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

NICHOLAS HYLAN D/B/A HYLAN
MOVING

For Compliance with WAC 480-15-480,
WAC 480-15-560

DOCKET TV-230989

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS

(Set for January 30, 2024, at 9:30 a.m.)

- 1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its regulatory staff (Staff), alleges as follows:
- 2 The Commission is an agency of the state of Washington authorized by statute to regulate the rates, services, facilities, and practices of public service companies, including household goods carriers.
- 3 Nicholas Hylan d/b/a Hylan Moving (Hylan Moving or the Company) is a Washington company engaging in business as a household goods carrier. The Company currently holds Commission-issued provisional permit number THG-069573 and US Department of Transportation number 3528122.
- 4 The Company began operations as a household goods carrier in March 2021 and was given temporary operating authority at that time.¹
- 5 In December 2023, Staff completed a routine investigation of the Company and documented, in an investigation report dated December 1, 2023, that the Company had committed 30 critical violations of regulations and 74 total violations, resulting in a proposed conditional safety rating.²

¹ See Investigation Report of Sandi Yeomans, 8.

² *Id.* at 3-4.

- 6 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 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 Under the circumstances presented in this case, the Commission determines that it will afford Hylan 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 it has taken corrective action to address the identified violations. Hylan Moving must come into compliance with applicable laws by obtaining a Commission approval of a safety management plan no later than January 30, 2024. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective January 31, 2024. Thereafter, as an unregistered company, Hylan Moving would be prohibited from providing household goods carrier service in the state of Washington.
- 9 **THE COMMISSION GIVES NOTICE that it intends to cancel the permit and authority of Hylan Moving to provide services as a household goods carrier effective January 31, 2024, for cause, following a hearing on the factual allegations set out above, unless Hylan Moving obtains Commission approval of a safety management plan prior to that date.**
- 10 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 Hylan Moving's household goods carrier permit.
- 11 **THE COMMISSION GIVES FURTHER NOTICE that it will hold a virtual brief adjudicative proceeding in this matter at 9:30 a.m., on January 30, 2024. To attend the hearing by phone, call (253) 215-8782 and enter the Conference ID: 822 0784 2850# and use the Passcode: 139684#. To attend via Zoom, use the following link: [Click here to join the meeting.](https://utc-wa-gov.zoom.us/j/82207842850?pwd=b16CcxBQ1RK4iS02BhasETAaQgT4t6.1)³**

³ <https://utc-wa-gov.zoom.us/j/82207842850?pwd=b16CcxBQ1RK4iS02BhasETAaQgT4t6.1>

- 12 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.
- 13 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 copies of documents in the current record for use by the parties or others who may want to review them.
- 14 **Hylan Moving must submit its proposed safety management plan no later than 5:00 p.m. on January 16, 2024.** 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 5:00 p.m. on January 23, 2024**, and email copies of those documents to the other parties and the presiding officer by 5:00 p.m. on January 23, 2024. Filing shall be in accordance with WAC 480-07-140.
- 15 **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.**
- 16 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: Colin O'Brien
Assistant Attorney General
7141 Cleanwater Dr. SW PO Box 40128
Olympia, WA 98512
(360) 586-6413
colin.obrien@atg.wa.gov

Respondent: Nicholas Hylan
213 Carswell Dr
Moses Lake, WA 98837-3118
(509) 607-7124
hylanmoving2018@yahoo.com

- 17 Administrative Law Judge Michael Howard, from the Commission's Administrative Law Division, will preside during this proceeding.

DATED at Olympia, Washington and effective January 9, 2024

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

KATHY HUNTER,
Acting Executive Director and
Secretary

Inquiries may be addressed to:

Executive Director and

Secretary

Washington Utilities and Transportation

Commission

621 Woodland Square Loop S.E.

Lacey, WA 98503

(360) 664-1160

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 Stacey Brewster, paralegal, at stacey.brewster@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: _____