

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

NEO MOVING LLC

For a Permit to Operate as a Motor
Carrier of Household Goods

DOCKET TV-210382

ORDER 01

GRANTING EXEMPTION;
APPROVING HOUSEHOLD GOODS
CARRIER APPLICATION

BACKGROUND

- 1 On May 27, 2021, Neo Moving LLC (Neo Moving or Company) filed with the Washington Utilities and Transportation Commission (Commission) an application for provisional and permanent authority to operate as a household goods carrier in the state of Washington (Application) under Chapter 81.80 Revised Code of Washington (RCW) and Chapter 480-15 Washington Administrative Code (WAC). Charley Bowling, the Company's owner, signed the Application.
- 2 On June 30, 2021, the Commission issued a Notice of Intent to Deny Application for Permanent Authority and Notice of Opportunity for Hearing (Notice) setting forth Commission staff's (Staff) allegations based on its review and investigation of the Application. Staff alleged in the Notice that Bowling was convicted of Assault in the Fourth Degree in 2018. The Notice provided Neo Moving the opportunity to request a hearing to contest these factual allegations by July 9, 2021.
- 3 On July 2, 2021, Neo Moving filed with the Commission a Request for Hearing. The Commission noticed this matter as a brief adjudicative proceeding and convened a virtual evidentiary hearing before Administrative Law Judge Rayne Pearson on July 21, 2021.
- 4 At the hearing, Staff presented documentary evidence and the testimony of Patrick Remfrey, transportation specialist in the licensing section of the Commission. Bowling and Shonda Davis testified for the Company.

5 Bowling acknowledged that he was convicted of fourth degree assault – domestic violence in 2018 and explained the circumstances that led to his arrest and conviction. Bowling testified that he was intoxicated at the time of the incident and grew agitated with Davis, with whom he lived at the time, and broke a dish. Davis testified that she tried to leave their home and Bowling physically restrained her. When she was able to break free from his grasp, she called the police. When the police arrived, Bowling attempted to gain access to Davis. At that point, Bowling was placed under arrest. Following the arrest, the Snohomish County District Court issued a no contact order against Bowling, which expired October 17, 2020.

6 Bowling testified that, after his arrest, he successfully completed both a domestic violence certificate program and a drug and alcohol treatment program. Bowling also testified that he regularly donates both time and money to domestic violence shelters and programs, and sponsors youth basketball tournaments. Bowling further explained that he and Davis have reconciled and are raising their seven-year-old son together. Davis expressed full support for Bowling’s business venture and testified that she believes he takes full responsibility for the impact of his past actions.

7 Bowling requested the Commission grant the Company an exemption from WAC 480-15-302(8)(a), which provides that the Commission will not grant provisional authority if any person named in the application has, within the past five years, been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance.¹

8 In light of Bowling’s and Davis’s testimony, Staff supports the Company’s request for an exemption from WAC 480-15-302(8)(a). Remfrey testified that, in this instance, Staff would not oppose the Commission issuing a household goods moving permit under the circumstances described by Bowling and Davis.

DISCUSSION

9 We grant the Company’s request for exemption and approve the Application. Under WAC 480-07-110(1), the Commission may, in response to a request or on its own

¹ WAC 480-15-305(2) contains identical criteria for permanent authority, which can only be obtained after a carrier serves a provisional period of not less than six months and not more than eighteen months from the date the provisional permit is issued.

initiative, grant an exemption from any of its rules in individual circumstances when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes. The requested exemption meets each of these criteria.

10 While we recognize there is some risk associated with granting the Company's Application, several factors substantially mitigate that risk. First, Bowling accepts responsibility for his past conduct and testified that he undertook extensive rehabilitation efforts for both domestic violence and alcohol abuse. Second, the Commission's goals – which derive from the purposes underlying regulation – are best achieved by bringing the Company into compliance. Finally, the public interest is served by the Commission retaining authority over the Company to ensure that its conduct and operations comply with Commission laws and rules.

11 Overall, we agree with Staff that the circumstances surrounding Bowling's conviction do not warrant a finding that Bowling currently poses a risk to the public. We also find that the nature and extent of the Bowling's conviction is not of the type likely to interfere with the proper operation of a household goods moving company. The Commission therefore approves Neo Moving's Application for authority to conduct intrastate household goods moves within the state of Washington.

FINDINGS AND CONCLUSIONS

12 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service companies, including household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.

13 (2) On June 30, 2021, the Commission issued a Notice of Intent to Deny Application for Provisional and Permanent Authority.

14 (3) Charley Bowling was convicted of Fourth Degree Assault in 2018.

15 (4) Following his 2018 conviction, Bowling successfully completed alcohol and drug treatment and domestic violence treatment.

16 (5) WAC 480-15-302(8)(a) provides that the Commission will not grant provisional authority if any person named in the application has, within the past five years, been convicted of any crime involving theft, burglary, assault, sexual misconduct,

identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance.

- 17 (6) WAC 480-07-110(1) provides that the Commission may, in response to a request or on its own initiative, grant an exemption from any of its rules in individual circumstances when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 18 (7) In light of Bowling's rehabilitation efforts, Bowling does not currently pose a risk to the public. The nature and extent of the Bowling's conviction is not of the type likely to interfere with the proper operation of a household goods moving company.
- 19 (8) The Commission should grant Neo Moving's request for an exemption from WAC 480-15-302(8)(a) because doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 20 (9) The Commission should approve Neo Moving's Application for authority to operate as a household goods carrier in the state of Washington.

ORDER

THE COMMISSION ORDERS THAT:

- 21 (1) The request by Neo Moving LLC for exemption from WAC 480-15-302(8)(a) is GRANTED.
- 22 (2) The Application filed by Neo Moving LLC on May 27, 2021, for provisional and permanent authority to operate as a household goods carrier in the state of Washington is APPROVED.

- 23 (3) Staff is directed to issue a provisional household goods permit to Neo Moving LLC in accordance with WAC 480-15-302.

DATED at Olympia, Washington, and effective August 9, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Judge

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order and you would like the Order to become final before the time limits expire, you may send a letter to the Commission waiving your right to petition for administrative review.

WAC 480-07-610(7) provides that any party to this proceeding has 21 days after service of this initial order to file a petition for administrative review (Petition). Section (7)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-610(7)(c) states that any party may file a response to a Petition within 7 days after service of the Petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence that is essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will give other parties in the proceeding an opportunity to respond to a motion to reopen the record, unless the Commission determines that it can rule on the motion without hearing from the other parties.

WAC 480-07-610(9) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission does not exercise administrative review on its own motion.

Any Petition or response must be electronically filed through the Commission's web portal, as required by WAC 480-07-140(5).