

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Investigation of  TETRIS MOVING COMPANY LLC,  For Compliance with Chapter 480-15 WAC</p>	<p>DOCKET TV-220659  ORDER 01  APPROVING SAFETY MANAGEMENT PLAN;</p>
<p>In the Matter of the Penalty Assessment Against  TETRIS MOVING COMPANY LLC,  in the Amount of \$3,500</p>	<p>MAINTAINING SAFETY RATING; EXTENDING PROVISIONAL PERIOD; IMPOSING AND SUSPENDING PENALTIES</p>

**BACKGROUND**

- 1 On September 15, 2022, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements in the Matter of the Investigation of Tetris Moving Company LLC (Tetris Moving or Company) for Compliance with Chapter 480-15 Washington Administrative Code (WAC) 480-15 (Notice) in Docket TV-220659.
- 2 The Notice explained that Commission staff (Staff) conducted a routine safety investigation of Tetris Moving’s operations in August 2022 and cited the Company for 92 critical and acute violations of federal and state safety regulations. Based on its review, Staff recommended the Commission cancel Tetris Moving’s household goods carrier permit unless the Company obtains Commission approval of a safety management plan. The Notice directed Tetris Moving to file a proposed safety management plan by October 3, 2022. The Commission also set a brief adjudicative proceeding for October 17, 2022, at 2:30 p.m. to determine whether the Commission should cancel Tetris Moving’s household goods carrier permit.
- 3 On September 13, 2022, the Commission assessed a \$3,500 penalty (Penalty Assessment) in Docket TV-220659 against Tetris Moving for the safety violations discovered during

Staff's August 2022 routine safety investigation.<sup>1</sup> The Penalty Assessment includes the following penalty recommendations:

- A \$300 penalty for three violations of WAC 480-15-555 for failing to acquire criminal background checks for prospective employees.
- A \$1,500 penalty for 15 violations of WAC 480-15-550 for operating a commercial motor vehicle (CMV) without having adequate cargo insurance coverage.
- A \$1,500 penalty for 15 violations of WAC 480-15-530 for operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.
- A \$100 penalty for one violation of 49 C.F.R. § 393.41 for no or defective parking brake system on a CMV.
- A \$100 "per category" penalty for 58 violations of 49 C.F.R. § 395.8(a)(1) for failing to require a driver to prepare a record of duty status using the appropriate method.

- 4 On October 15, 2022, Tetris Moving submitted a proposed safety management plan and a request for mitigation of penalties.
- 5 On October 17, 2022, Staff notified the presiding officer that the Company waived its right to a hearing and requested the Commission cancel the brief adjudicative proceeding and decide this matter on a paper record.
- 6 On October 18, 2022, Staff filed its evaluation of the Company's proposed safety management plan. Based on its review, Staff determined that the Company took all the required steps to bring its safety operations into compliance with Commission regulations and that its plan was acceptable. Staff recommends that the Commission maintain the Company's conditional safety rating but extend the Company's provisional permit period until such time as the Company achieves a satisfactory safety rating. Staff further recommends reducing the assessed penalty of \$3,500 to \$2,000.

---

<sup>1</sup> The Penalty Assessment cites violations of Washington Administrative Code (WAC) 480-15-555, WAC 480-15-560, and WAC 480-15-570. WAC 480-15-560 and -570 adopt by reference sections of Title 49 Code of Federal Regulations (C.F.R.). Accordingly, Commission safety regulations with parallel federal rules are hereinafter referenced only by the applicable provision of Title 49 C.F.R.

- 7 On October 17, 2022, the Commission issued a notice canceling the October 17, 2022, hearing and informing the parties that the Commission would enter an order based on the parties' written submissions.

## **DISCUSSION AND DECISION**

### **1. Safety Rating**

- 8 Washington Law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's August 2022 compliance review of Tetris Moving found 92 violations of critical and acute safety regulations, which resulted in a proposed conditional safety rating. Violations classified as "critical" are indicative of a breakdown in a carrier's management controls. Patterns of noncompliance with a critical regulation are quantitatively linked to inadequate safety management controls and usually higher-than-average accident rates. 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.
- 9 On October 15, 2022, the Company submitted its proposed safety management plan and requested the Commission upgrade its safety rating. Staff determined that Tetris Moving's safety management plan addresses each violation, identifies how each violation occurred, describes the steps taken to correct each violation, and describes the controls put in place to ensure compliance going forward. Staff concludes that Tetris Moving's safety management plan is acceptable and satisfies the legal requirements of 49 C.F.R. Part 385. We agree.
- 10 The Commission finds that the Company has achieved compliance with Chapter 480-15 WAC by correcting the violations that resulted in the Notice and Penalty Assessment. Accordingly, the Commission agrees with Staff's recommendation and grants the Company's request to maintain its permit with a conditional safety rating.
- 11 We likewise agree with Staff's recommendation to extend the Company's provisional period for its household goods carrier permit. WAC 480-15-305(1)(b) provides that, prior to a grant of permanent authority, an applicant must complete a provisional period of not less than six months and not more than 18 months unless the Commission determines for good cause that the provisional period should be extended. Good cause may include, among other things, a carrier that has not yet achieved a satisfactory safety rating but is

making substantial progress toward a satisfactory rating. Here, the Company has corrected the violations at issue and demonstrated that it has taken significant steps to ensure its operations comply with applicable safety regulations. Accordingly, the Commission finds good cause to extend the Company's provisional period until such time as the Company achieves a satisfactory rating.

## 2. Penalty

- 12 Violations discovered during safety inspections are subject to penalties of \$100 per violation.<sup>2</sup> In some cases, Commission requirements are so fundamental to safe operations that the Commission will issue penalties for first-time violations.<sup>3</sup> Critical and acute violations meet this standard.<sup>4</sup>
- 13 The Penalty Assessment identifies 92 critical and acute violations of Chapter 480-15 WAC and Title 49 C.F.R. committed by Tetris Moving related to either failing to conduct criminal background checks or failing to require driver records of duty status.<sup>5</sup> Tetris Moving does not dispute the violations. We recognize the Company, working with Staff, took all the required steps to bring its safety operations into compliance with Commission regulations. Tetris Moving submitted a safety management plan that addresses each violation, identifies how the violations occurred, describes the steps taken to correct them, and put controls in place to ensure the Company maintains compliance. We agree with Staff that a reduced penalty amount is warranted, justified, and fair. Accordingly, the Commission assesses a reduced penalty amount of \$2,000. The Company must either pay the penalty or file jointly with Staff a proposed payment arrangement within 10 days of the effective date of this Order.

## FINDINGS AND CONCLUSIONS

- 14 (1) The Commission is an agency of the state of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods

---

<sup>2</sup> See RCW 80.04.405.

<sup>3</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶ 12 (Jan. 7, 2013) (Enforcement Policy).

<sup>4</sup> 49 C.F.R. § 385, Appendix B.

<sup>5</sup> See Penalty Assessment at 3.

companies, and has jurisdiction over the parties and subject matter of this proceeding.

- 15 (2) Tetris Moving is a household goods company subject to Commission regulation.
- 16 (3) Tetris Moving cured the deficiencies that led to the proposed cancellation of its household goods permit. Accordingly, Tetris Moving's safety rating should be maintained as conditional, and the Company should be allowed to maintain its household goods carrier permit.
- 17 (4) Pursuant to WAC 480-15-305(1)(b), the Commission finds good cause to extend Tetris Moving's provisional period until such time as the Company achieves a satisfactory safety rating.
- 18 (5) Tetris Moving committed 92 critical and acute violations of Chapter 480-15 WAC and Title 49 C.F.R.
- 19 (6) Tetris Moving does not dispute that the violations occurred.
- 20 (7) Tetris Moving should be penalized \$2000 for 91 critical and acute violations of Chapter 480-15 WAC and Title 49 C.F.R.

### **ORDER**

#### **THE COMMISSION ORDERS THAT:**

- 21 (1) The Commission approves Tetris Moving Company LLC's safety management plan.
- 22 (2) Tetris Moving Company LLC's safety rating remains conditional.
- 23 (3) Tetris Moving Company LLC's provisional period is extended until such time as the Company achieves a satisfactory safety rating.
- 24 (4) The Commission assesses a \$2000 penalty against Tetris Moving Company LLC.
- 25 (5) Within 10 days of the effective date of this Order, Tetris Moving Company LLC must pay the \$2000 penalty or file jointly with Staff a proposed payment arrangement.

DATED at Lacey, Washington, and effective October 21, 2022.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

*/s/ Samantha Doyle*  
SAMANTHA DOYLE  
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).