



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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January 5, 2024

NOTICE OF BENCH REQUEST
(Due by Thursday, January 11, 2024, at 5 p.m.)

RE: *In the Matter of the Investigation of Door to Door Moving LLC For Compliance with WAC 480-15-560 and WAC 480-15-5550, Docket TV-230957*

TO STAFF:

BENCH REQUEST NO. 1:

On December 4, 2023, the Washington Utilities and Transportation (Commission) issued a Notice of Intent to Cancel Permit as a Household Goods Carrier; Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements (NOIC) against Door to Door Moving LLC (Door to Door or Company).

On January 4, 2024, Commission staff (Staff) filed its Evaluation of Safety Management Plan (Evaluation) in this Docket, and the Company filed a waiver of its right to a hearing. In light of the parties' consent, the scheduled hearing was canceled today by separate copy.

This proceeding is related to WAC 480-15-999(1)(2), which incorporates by reference the federal safety requirements found in Title 49 of the CFR. Under the federal regiment, companies which are found to have deficient safety ratings may (1) challenge the rating on appeal, *see* 49 CFR 385.15; or (2) request a rating change, *see* 49 CFR 385.17. A carrier which chooses the latter must demonstrate corrective actions were taken to bring safety practices into compliance. *Id.*

Further, under WAC 480-15-305(1)(b), in order to extend a company's provisional authority beyond 18 months, the Commission must find "good cause" that the Company is "making substantial progress toward a satisfactory rating." As a matter of Commission practice, these

findings are generally made upon submission of a Safety Management Plan (SMP) by the Company to Staff and Staff's subsequent evaluation of the SMP filed to the docket.

In its January 4, 2024, filing, Staff offered the conclusion that "Door to Door Moving submitted a SMP 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." However, the evaluation did not include for the record: (1) the referred to SMP, or (2) a description of the contents of the Company's SMP which supports Staff's conclusions (i.e. the "how," the "steps," and the "controls.").

As a result, in order to aid an evaluation on the papers:

1. Please provide a copy of the Company's SMP, or
2. In the alternative, please provide a concise explanation of the portions of the SMP which specifically support Staff's proffered conclusion that the SMP "is acceptable and meets the requirements of 49 C.F.R. § 385." Specifically, please explain those portions of the SMP that address documentation of driver qualifications, hours of service records, carrier registration information, and vehicle maintenance documents.

Please respond to these Bench Requests no later than Thursday, January 11, 2024, by 5 p.m., by electronic filing with the Commission's Records Center. Please provide courtesy email copies to all parties and the presiding administrative law judge. If you have any questions concerning these requests, please contact Administrative Law Bijan Hughes at 360-664-1139 or via email at bijan.hughes@utc.wa.gov.

/s/ Bijan Hughes
BIJAN HUGHES
Administrative Law Judge

cc: All Parties