

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

PNW MOVING & DELIVERY LLC

DOCKET TV-240169

ORDER 01

For Compliance with WAC 480-15-530,
WAC 480-15-550, WAC 480-15-555, WAC
480-15-560, and RCW 81.80.075

CANCELLING PROVISIONAL
PERMIT; ASSESSING AND
SUSPENDING PENALTIES

BACKGROUND

- 1 In May 2020, in Docket TV-200421, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against PNW Moving and Delivery LLC (PNW Moving or Company) in the amount of \$7,800 after finding the Company committed 169 violations of WAC 480-15.¹ In that docket, the Commission approved PNW Moving's safety management plan, upgraded the safety rating to conditional, and extended the Company's provisional period until such time as it achieved a satisfactory safety rating.

- 2 In March 2022, in Docket TV-220133, the Commission issued a second notice of intent to cancel (NOIC) to PNW Moving for violations of WAC 480-15. Also in March 2022, in Docket TV-220134, the Commission issued a penalty assessment against the Company in the amount of \$25,600. In an order consolidating the two dockets, the Commission found that the Company committed 286 violations of WAC 480-15 and federal regulation. The Commission approved the Company's new safety management plan, and allowed the Company to maintain its conditional safety rating and provisional permit subject to the following conditions:
 1. PNW Moving send all employees to Commission sponsored household goods carrier training, either through the Commission's online learning system or the live virtual class provided by Staff, no later than June 15, 2022;

¹ *In re Investigation of PNW Moving and Delivery LLC*, Docket TV-200421, Order 01, 1, 5 ¶¶ 3, 22 (June 24, 2020).

2. Staff conduct a follow-up safety investigation in one year from the date of an order or as soon thereafter as practicable;
3. PNW Moving must obtain a satisfactory safety rating following the investigation;
4. Upon reinspection, PNW Moving may not incur any repeat violations of acute, critical, or critical type regulations;
5. The Company must get current with any regulatory fees and penalties as a result of late annual report filings by June 30, 2022;
6. PNW Moving pays its assessed penalty through a mutually agreeable payment arrangement approved by Staff. The payments must be made by the specified dates in the payment arrangement, unless approved by Staff prior to the established deadline; and
7. Failing to meet any of these conditions would constitute grounds for cancellation of the Company's provisional permit.²

3 Commission staff (Staff) alleges that Commission records show that while the Company's owner registered for Commission-sponsored household goods training, the Company did not complete the training as required.

4 On April 20, 2023, in Docket TV-230262, the Commission cancelled the Company's provisional permit because the Company did not submit acceptable proof of insurance. The Commission later reinstated PNW Moving's provisional permit on June 15, 2023.

5 On March 8, 2024, Staff filed a letter recommending cancelation of the Company's payment plan because PNW Moving had missed five scheduled payments under its payment plan for penalties associated with Order 01/01 in the consolidated dockets, and the Company had not made payments since December 19, 2023.³

² *In re Investigation of PNW Moving and Delivery LLC*, Dockets TV-220133 and 220134, Order 01/01, 10 ¶ 36 (April 22, 2022).

³ *In re Investigation of PNW Moving and Delivery LLC*, Docket TV-220133 and 220134, Commission Staff's Recommendation to Cancel Payment Arrangement (March 8, 2024).

6 On March 20, 2024, the Commission issued Order 02/02 in the consolidated dockets canceling the payment arrangement and making the remaining \$9,800 under the payment arrangement immediately due and payable.

7 On April 8, 2024, PNW Moving submitted a request for extension of payment and deadline for submitting proof of insurance in Dockets TV-220133 and TV220134.

8 On April 19, 2024, the Commission issued Order 03/03 in the consolidated dockets denying the Company's request for an extension as untimely pursuant to WAC 480-07-904(3), which requires any request for review to be filed within 14 days after a decision is posted on the Commission's website.

9 In January 2024, Staff initiated a follow-up safety investigation of the Company which led to the initiation of this docket. On March 11, 2024, Staff informed the Company it received a proposed conditional safety rating following the safety investigation.

10 On April 9, 2024, following investigation, Staff entered a complaint against PNW Moving for new violations of the Commission's household goods carrier safety rules. Several of the violations alleged by Staff were repeat violations. The matter was set for hearing in May 2024.

11 On May 2, 2024, the Commission convened an evidentiary hearing before administrative law judge Connor Thompson. Staff presented testimony from special investigator Tracy Coble and exhibits from prior investigations of the Company. Staff also presented testimony from Staff witness Jason Sharp and exhibits showing the Company's prior safety management plans (SMPs). Staff recommended the Commission impose \$338,900 in penalties based on the investigative findings as follows:

- Forty-five violations of RCW 81.80.075(1) for engaging in business as a household goods carrier in commerce without a valid permit issued by the Washington Utilities and Transportation Commission. Staff recommends the maximum penalty of \$5,000 for each occurrence of this violation, for a total of \$225,000.
- One acute violation of WAC 480-15-550, with 129 occurrences identified, for operating a commercial motor vehicle without having adequate cargo insurance coverage. This is a repeat violation from the 2022 compliance investigation. Staff recommends a penalty of \$500 for each occurrence of this repeat acute violation, for a total of \$64,500.

- One acute violation of WAC 480-15-530, with 129 occurrences identified, for operating a commercial motor vehicle without having in effect the required minimum levels of financial responsibility coverage. Staff recommends a penalty of \$100 for each occurrence of this acute violation, for a total of \$12,900.
- Eleven critical violations of WAC 480-15-555(1) for failure to complete a criminal background check for every person the carrier intends to hire. This is a repeat violation from the 2020 and 2022 compliance investigations. Staff recommends a penalty of \$500 for each occurrence of these repeat critical violations, for a total of \$5,500.
- Sixty-one critical violations of 49 C.F.R. § 395.8(a)(1) for failure to require a driver to prepare record of duty status using the appropriate method. This is a repeat violation from the 2020 and 2022 compliance investigations. Staff recommends a penalty of \$500 for each occurrence of these repeat critical violations, for a total of \$30,500.
- One critical-type violation of 49 C.F.R. § 396.3(b) for failing to keep minimum records of inspection and vehicle maintenance. This is a repeat violation from the 2022 compliance investigation. Staff recommends a penalty of \$100 for this repeat violation.
- One violation of 49 C.F.R. § 390.15(b) for failing to maintain, for a period of three years after an accident occurs, an accident register. Staff does not recommend a penalty for this violation.
- One violation of C.F.R. § 390.19(b)(2) for failing to file the appropriate form under 49 C.F.R. § 390.19(a) every twenty-four months according to the schedule. This is a repeat violation from the 2022 compliance investigation. Staff recommends a penalty of \$100 for this repeat violation.
- Three violations of 49 C.F.R. § 391.21(a) for using a driver who has not completed and furnished an employment application. This is a repeat violation from the 2022 compliance investigation. Staff recommends a penalty of \$100 for these repeat violations.

- Two violations of 49 C.F.R. § 391.23(a)(1) for failing to investigate a driver's motor vehicle record within thirty days of hire. Staff does not recommend a penalty for these violations.
- Three violations of 49 C.F.R. § 391.23(a)(2) for failure to investigate a driver's performance history with Department of Transportation related employers during the preceding three years. Staff does not recommend a penalty for these violations.
- Three violations of 49 C.F.R. § 391.51(b)(3) for failing to maintain a road test certificate in the driver's qualification file, or a copy of the license or certificate the motor carrier accepted as equivalent. This is a repeat violation from the 2022 compliance investigation. Staff recommends a penalty of \$100 for these repeat violations.
- One violation of 49 C.F.R. § 391.51(b)(4) for failing to maintain the responses of each state agency to the annual driver record inquiry required by 49 C.F.R. § 391.25(a). Staff recommends a penalty of \$100 for this repeat violation.
- Two violations of 49 C.F.R. § 391.51(b)(5) for failure to maintain a record of annual review in a driver's qualification file. Staff does not recommend a penalty for these violations.
- Two violations of 49 C.F.R. § 392.16(b) for operating a property-carrying commercial motor vehicle with a passenger not properly restrained by a seat belt. Staff does not recommend a penalty for these violations.
- Three violations of 49 C.F.R. § 396.9(d)(3) for failing to maintain a completed inspection form for twelve months from the date of inspection at the carrier's principal places of business or where the vehicle is housed. Staff does not recommend a penalty for these violations.⁴

12 During the hearing, Staff testified that PNW Moving had not submitted an acceptable (SMP), but that PNW Moving was currently revising their SMP.⁵ Staff witness Cobile testified that the Company's owner had been forthcoming during the investigation,⁶

⁴ Sharp, TR 68:1-70:19.

⁵ Sharp, TR 60:3-10.

⁶ Cobile, TR 29:21-30:2; 49:4-5.

however, Staff witness Sharp recommended that regardless of the penalty recommendation and submission of an SMP, Staff would recommend cancelling the Company's permit.⁷ Staff testified that due to the Company's past actions, Staff does not have confidence that the Company will stick to commitments contained in any new SMP.⁸

13 During the hearing, the owner of PNW Moving, Dimitriy Satir, testified that the focus of the Company has been on growth and because of that, the Company failed to pay attention to the legal side of the business.⁹ Satir further testified that the Company has had issues finding insurance at a reasonable cost, but that the Company recently was able to find insurance, and that all three of the Company's currently leased vehicles are insured.¹⁰

14 At the conclusion of the hearing, each party provided a brief closing statement. Staff argued their recommendations were based on repeated violations by the Company, including acute, critical, and critical-type violations. Staff recommended the Company's permit be cancelled because of these repeated violations and the fact that these violations pose a public safety risk. PNW Moving argued that while the Company has fallen behind on the legal side of the business, the Company has low turnover in employees and high customer satisfaction.¹¹ The Company testified that they have worked to provide good service and a good workplace.¹²

15 On May 10, 2024, Staff filed in this docket, Staff's Evaluation of Safety Management Plan (Staff's Evaluation). Staff's Evaluation outlines the penalties Staff recommended during the hearing and provides notice that on May 9, 2024, the Company submitted an SMP compliant with 49 CFR §§ 385.5 and 385.7. However, Staff notes in its Evaluation that Staff's recommendation on cancelation and penalties has not changed, and that Staff continues to recommend cancelation of the Company's provisional permit based on demonstrated non-compliance with previous SMPs and Commission orders.

⁷ Sharp, TR 72:3-12.

⁸ *Id.*

⁹ Satir, TR 78:16-25; 83:3-5.

¹⁰ Satir, TR 79:1-80:23.

¹¹ Satir, TR 88:10-89:11.

¹² *Id.*

DISCUSSION

16 Washington law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's 2024 compliance review of PNW Moving found seven categories of repeat violations, and found the Company failed to abide by four conditions imposed by the Commission in Order 01/01 in Dockets TV-220133 and TV-220134 (consolidated). The violations found by Staff resulted in a proposed conditional safety rating. We rule on each of the issues presented in this docket.

A. Whether the Company committed the violations alleged by Staff

17 Having carefully considered the written submissions in this docket, as well as the testimony at the May 2, 2024, evidentiary hearing, we find that the Company incurred each of the violations noted by Staff in paragraph 11 of this Order and documented in Cobile, Exh. TC-3.

18 During the evidentiary hearing, Staff witness Cobile testified as to each violation, how Staff determined the violation had occurred and provided testimony regarding specifically asking the Company about certain violations and the Company responding that it did what it needed to do to continue operating. The Company did not refute this testimony.

19 The Company largely admitted the violations at issue or did not dispute Staff's findings. As noted by Staff, the Company was very forthcoming about the issues. The Company specifically admitted several violations including its failure to maintain insurance. Further the Company testified that it was focused on the growth of the Company and did not pay much attention to the legal side of the business. We therefore adopt Staff's recitation of violations, as noted in paragraph 11 of this Order, as the Commission's own findings.

B. Whether the Company's SMP should be approved

20 On May 9, 2024, the Company submitted its updated SMP and requested the Commission approve it. Staff determined that PNW Moving's SMP addresses each violation, identified 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 PNW Moving's SMP is acceptable and satisfies the legal requirements of 49 CFR § 385. Despite this, Staff recommends that the Company's

provisional permit be cancelled for the reasons contained in Staff’s testimony and filings in this docket.

- 21 Based on Staff Evaluation, the Commission finds that the Company has filed an SMP compliant with 49 CFR § 385. However, the Commission also finds that the Company has a history of repeated violations of the same nature, of not keeping the commitments made in previous SMPs, and most importantly, has not shown that it is making progress towards achieving a satisfactory rating and permanent authority.
- 22 WAC 480-15-305(1)(b) states that household goods carriers may be granted a provisional permit for a period “of not less than six months and not more than eighteen months from the date the provisional permit was issued unless the commission determines that for good cause the provisional period should be extended beyond eighteen months.”
- 23 Good cause may include a variety of factors, but generally includes some indication that a carrier is making substantial progress toward a satisfactory safety rating.¹³
- 24 Unfortunately, PNW Moving has not shown that it is making progress towards a satisfactory safety rating. Instead, the evidence presented in the written filings in this docket and through testimony during the evidentiary hearing show that the Company has moved farther from achieving a satisfactory safety rating, and continuously violated several provisions of state and federal law.¹⁴ Additionally, the Company has a history of having SMPs approved and not following through on those SMPs or the conditions of Commission orders placed on the Company while allowing it to extend provisional authority on two occasions.
- 25 Because PNW Moving has not shown it is making substantial progress toward a satisfactory safety rating, and because of the Company’s history of failing to live up to its commitments contained in its previous SMPs, we find the Company’s SMP should not be approved, and the Company’s provisional permit should be cancelled.

C. Whether a penalty should be imposed

- 26 The remaining issue is whether the Company should be penalized and, if so, in what amount. Staff notes the Company still owes a penalty in the amount of \$9,800 that remains due and payable in Dockets TV-220133 and TV-220134. Staff also recommends a penalty of \$338,900 for discovered violations in this docket, suspending the

¹³ WAC 480-15-305(1)(b).

¹⁴ See e.g., Notice of Intent to Cancel, Docket TV-240169 (April 9, 2024); see also, Exh. TC-1 – TC-3.

recommended penalty in its entirety for a period of two years, and then waiving it, subject to PNW Moving ceasing operations as a household goods carrier unless it obtains authority or a permit from the Commission to conduct such operations.

27 At the outset, the Commission notes the penalty recommendation from Staff is substantial. Although the Company admitted its struggles with compliance, the Company did not directly respond to this penalty recommendation at the evidentiary hearing. The Commission's objective when enforcing statutes, rules, orders, and tariffs is to ensure jurisdictional services are delivered safely, adequately, and efficiently.¹⁵ In considering what enforcement action to take or the level of penalty to be imposed, the Commission may consider a broad number of factors including, but not limited to, how serious or harmful the violation is to the public, whether the company was cooperative and responsive, whether the company promptly corrected the violations, the number of violations, the likelihood of recurrence, the company's past performance regarding compliance, and the size of the company.¹⁶

28 Here, there are factors weighing against PNW Moving. The Company has (1) a history of repeated violations and failure to correct those violations, (2) committed a large number of violations, (3) a high likelihood of reoccurrence demonstrated by past actions in evidence, and (4) the violations, particularly those for operating without proper insurance and operating without a permit pose serious risks to the public.

29 However, the Company is now and has been generally cooperative with Staff, as evidenced by Staff testimony. The Commission is cancelling the Company's permit, and therefore, the likelihood of reoccurrence given the circumstances is low. Further, no evidence was presented that the Commission had received complaints from the public or had concerns over safety other than those violations discovered during investigation. Finally, the Company is a relatively small one. The penalties recommended by Staff amount to 30 percent of the Company's 2023 total revenue and are approximately 13 times more than the penalties imposed in TV-220133.

30 Similarly, the Commission considers various factors when entertaining a request for suspending all or part of a penalty. Among those factors, the Commission may consider

¹⁵ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶ 9. (January 7, 2013)

¹⁶ *Id.* at ¶ 15.

whether the company agreed to a compliance plan and whether other circumstances warrant suspending the penalty.¹⁷

31 In this case, we find that several factors weigh both for and against mitigation. The majority of Staff's recommended penalty is attributable to three violations: (1) a penalty of \$225,000 for forty-five violations of RCW 81.80.075(1), (2) a penalty of \$64,500 for one acute violation of WAC 480-15-550, with 129 occurrences identified, and (3) a penalty of \$30,500 for sixty-one critical violations of 49 C.F.R. § 395.8(a)(1). The penalties for the violations of WAC 480-15-550 and 49 C.F.R. § 395.8(a)(1) are repeat acute and critical violations.

32 After considering all these factors, we find that some mitigation is warranted given the size of the Company and the fact that the provisional permit is being cancelled, which will reduce the chance of reoccurrence. To do otherwise, and impose the full penalty amount, would be in effect to cancel the Company twice, which we find is not warranted in this circumstance. Due to the size of the Company and the size of the penalty, the likelihood that the Company could seek reinstatement of its provisional authority, even if it took actions to correct its compliance affairs within the next two years is almost nonexistent. The Commission therefore assesses a penalty of \$82,900 for discovered violations, which reflects Staff's recommended amount, but reduces the penalties for the three categories of violations listed in paragraph 31 of this Order to (1) \$1,000 per violation of RCW 81.80.075(1), (2) \$100 for each occurrence of a violation of WAC 480-15-550, and (3) a penalty of \$100 per violation of 49 C.F.R. § 395.8(a)(1).

33 During the hearing, Staff recommended that the penalty - as proposed by Staff - be suspended if the Company's provisional authority were cancelled. The Commission considers several factors when deciding whether to suspend all or part of a penalty.¹⁸ Further, when a company surrenders its certificates, the Commission may withdraw a penalty.¹⁹ Here, the Company is not voluntarily withdrawing the certificate, but the

¹⁷ *Id.* at ¶ 20.

¹⁸ *Id.* at ¶ 20.

¹⁹ See, e.g., *WUTC v. Seventh Generation*, Docket TC-140414, Notice (June 25, 2015) (waiving suspended penalty after company voluntarily surrendered its certificate and was no longer in business); *In re Big Sky Bus Lines, Inc.*, Docket TE-160687, Notice Withdrawing Penalty (July 13, 2016) (withdrawing penalty against company that cancelled its certificate).

Company's authority to operate is being cancelled. To impose any portion of the penalty now, would be punitive in nature.²⁰

34 The Commission suspends the entirety of the penalty for a period of two years, and then waives it, subject to the condition that PNW Moving ceases and desists operating as a household goods carrier unless it obtains the permit necessary to conduct such operations from the Commission.

35 PNW Moving will be liable for the entire \$82,900 penalty if it operates during the two years, beginning on the date of this Order, as a household goods company without first obtaining the required approval from the Commission.

FINDINGS AND CONCLUSIONS

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

37 (2) PNW Moving is a household goods carrier subject to Commission regulation.

38 (3) PNW Moving committed forty-five violations of RCW 81.80.075(1) for engaging in business as a household goods carrier in commerce without a valid permit issued by the Washington Utilities and Transportation Commission.

39 (4) PNW Moving committed one acute violation of WAC 480-15-550, with 129 occurrences identified, for operating a commercial motor vehicle without having adequate cargo insurance coverage.

40 (5) PNW Moving committed one acute violation of WAC 480-15-530, with 129 occurrences identified, for operating a commercial motor vehicle without having in effect the required minimum levels of financial responsibility coverage.

41 (6) PNW Moving committed eleven critical violations of WAC 480-15-555(1) for failure to complete a criminal background check for every person the carrier intends to hire.

²⁰ See, e.g., *WUTC v. Shuttle Express, Inc.*, Docket TC-200151, Order 04 (November 25, 2020) (suspending penalty upon relinquishment of authority to operate).

- 42 (7) PNW Moving committed sixty-one critical violations of 49 C.F.R. § 395.8(a)(1) for failure to require a driver to prepare record of duty status using the appropriate method.
- 43 (8) PNW Moving committed one critical-type violation of 49 C.F.R. § 396.3(b) for failing to keep minimum records of inspection and vehicle maintenance.
- 44 (9) PNW Moving committed one violation of 49 C.F.R. § 390.15(b) for failing to maintain, for a period of three years after an accident occurs, an accident register.
- 45 (10) PNW Moving committed one violation of C.F.R. § 390.19(b)(2) for failing to file the appropriate form under 49 C.F.R. § 390.19(a) every twenty-four months according to the schedule.
- 46 (11) PNW Moving committed three violations of 49 C.F.R. § 391.21(a) for using a driver who has not completed and furnished an employment application.
- 47 (12) PNW Moving committed two violations of 49 C.F.R. § 391.23(a)(1) for failing to investigate a driver's motor vehicle record within thirty days of hire.
- 48 (13) PNW Moving committed three violations of 49 C.F.R. § 391.23(a)(2) for failure to investigate a driver's performance history with Department of Transportation related employers during the preceding three years.
- 49 (14) PNW Moving committed three violations of 49 C.F.R. § 391.51(b)(3) for failing to maintain a road test certificate in the driver's qualification file, or a copy of the license or certificate the motor carrier accepted as equivalent.
- 50 (15) PNW Moving committed one violation of 49 C.F.R. § 391.51(b)(4) for failing to maintain the responses of each state agency to the annual driver record inquiry required by 49 C.F.R. § 391.25(a).
- 51 (16) PNW Moving committed two violations of 49 C.F.R. § 391.51(b)(5) for failure to maintain a record of annual review in a driver's qualification file.
- 52 (17) PNW Moving committed two violations of 49 C.F.R. § 392.16(b) for operating a property-carrying commercial motor vehicle with a passenger not properly restrained by a seat belt.

- 53 (18) PNW Moving committed three violations of 49 C.F.R. § 396.9(d)(3) for failing to maintain a completed inspection form for twelve months from the date of inspection at the carrier's principal places of business or where the vehicle is housed.
- 54 (19) PNW Moving has cured the deficiencies that led to the proposed conditional safety rating.
- 55 (20) PNW Moving's updated SMP submitted on May 10, 2024, should not be approved, as noted in paragraphs 24 and 25 of this Order, and the Company's provisional period should not be extended a third time.
- 56 (21) The Commission should assess a penalty of \$82,900 for discovered violations, suspending the entirety of the penalty for a period of two years, and then waiving it, subject to the condition PNW Moving ceases and desists operating as a household goods carrier unless it obtains the necessary permit to do so from the Commission.
- 57 (22) PNW Moving will be liable for the entire \$82,900 penalty if it operates during the two years, beginning on the date of this Order, as a household goods company without first obtaining the required approval from the Commission.

ORDER

THE COMMISSION ORDERS:

- 58 (1) The Commission denies PNW Moving & Delivery LLC's safety management plan for the reasons stated in paragraphs 24 and 25 of this Order.
- 59 (2) PNW Moving & Delivery LLC's provisional permit is cancelled.
- 60 (3) PNW Moving & Delivery LLC is assessed a penalty of \$82,900, which is suspended in its entirety, for a period of two years, and is then waived, subject to the condition that PNW Moving & Delivery LLC ceases and desists operating as a household goods carrier unless it obtains the necessary permit to do so from the Commission.
- 61 (4) PNW Moving & Delivery LLC will be liable for the entire \$82,900 penalty if it operates during the two years, beginning on the date of this Order, as a household

goods company without first obtaining the required approval from the Commission.

DATED at Lacey, Washington, and effective May 29, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Connor A. Thompson
CONNOR THOMPSON
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 twenty-one (21) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) 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 fails to 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). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).