

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Investigation of I HEART MOVERS, LLC, For Compliance with WAC 480-15-555, WAC 480-15-560, WAC 480-15-570, AND WAC 480-15-590</p>	<p>DOCKETS TV-200627 and TV-200628 <i>(Consolidated)</i> ORDER 02</p>
<p>In the Matter of the Penalty Assessment against I HEART MOVERS, LLC, in the amount of \$9,100</p>	<p>GRANTING PAYMENT ARRANGEMENT</p>

BACKGROUND

- 1 On July 20, 2020, 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 I Heart Movers, LLC, (IHM or Company) for Compliance with Washington Administrative Code (WAC) 480-15-555, WAC 480-15-560, WAC 480-15-570, and WAC 480-15-590 (Notice) in docket TV-200628.
- 2 The Notice explained that Commission staff (Staff) conducted a compliance review of IHM’s operations between April and July 2020 and cited the Company for 151 violations of federal and state safety regulations. Based on its review, Staff recommended the Commission cancel IHM’s household goods carrier permit unless the Company obtained Commission approval of a safety management plan. The Notice directed IHM to file a proposed safety management plan by August 12, 2020. The Commission also set a brief adjudicative proceeding (BAP) for August 26, 2020 to determine whether the Commission should cancel IHM’s household goods carrier permit.
- 3 On July 21, 2020, the Commission assessed a \$9,100 penalty (Penalty Assessment) against IHM for the safety violations discovered during Staff’s compliance review in docket TV-200627.
- 4 On August 17, 2020, IHM filed a proposed safety management plan. On August 19, 2020, Staff filed a response to the safety management plan. In an email to the presiding officer, Staff represented that the Company waived its right to a hearing, and

recommended that the BAP be cancelled. That same day, the Commission issued a Notice cancelling the August 26, 2020, BAP, and informing the parties that the Commission would enter an order based on the parties' written submissions.

- 5 On August 31, 2020, the Commission entered Order 01, Consolidating Dockets, Approving Safety Management Plan; Upgrading Safety Rating; Imposing and Suspending Penalties (Order 01). Order 01 assessed a reduced penalty of \$4,750 and suspended a \$2,250 portion of the penalty for two years, subject to the conditions that (1) Staff conducts a follow-up investigation at least six months from the effective date of Order 01, (2) IHM does not incur any repeat critical violations of WAC 480-15 upon reinspection, and (3) IHM either pays the \$2,500 portion of the penalty that is not suspended or works with Staff to establish a mutually agreeable payment arrangement within 10 days of the effective date of Order 01.
- 6 On October 13, 2020, Staff contacted the Executive Director and Secretary of the Commission explaining that the Company requested to pay the penalty in 16 monthly installments, and that Staff supports the request. The Company and Staff jointly propose the following payment schedule:

Installment	Due Date	Amount
1	November 2, 2020	\$150
2	December 2, 2020	\$150
3	January 4, 2021	\$150
4	February 2, 2021	\$150
5	March 2, 2021	\$150
6	April 2, 2021	\$150
7	May 3, 2021	\$150
8	June 2, 2021	\$150
9	July 2, 2021	\$150
10	August 2, 2021	\$150
11	September 2, 2021	\$150
12	October 4, 2021	\$150
13	November 2, 2021	\$150
14	December 2, 2021	\$150
15	January 4, 2022	\$150
16	February 2, 2022	\$250

7 Staff also proposes that if IHM fails to pay any installment by the due date, the entire balance, including the suspended penalty, will become due and payable immediately.

8 Staff further explains that IHM failed to pay the unsuspended portion of the penalty within 10 days of Order 01 because it believed that Staff would initiate payment arrangement discussions as Staff had done in a previous docket. Staff recommends the Commission grant the request for payment arrangement despite the Company's failure to timely pay the unsuspended portion of the penalty.

DISCUSSION

9 The installment payment schedule Staff and the Company propose is reasonable and the Company's explanation for its failure to meet the deadline imposed by Order 01 is understandable. Accordingly, the Commission approves the proposal with one modification. IHM may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make its timely monthly installment until the full amount of \$2,500 is satisfied.

ORDER

THE COMMISSION ORDERS THAT:

- 10 (1) The \$2,500 unsuspended portion of the penalty is due and payable to the Commission in installments as set out in paragraph 6, above.
- 11 (2) If I Heart Movers, LLC, fails to pay any installment by 5 p.m. on the date it is due, the unpaid balance, as well as the \$2,250 suspended portion of the penalty, will immediately become due and payable without further order by the Commission.

- 12 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Lacey, Washington, and effective October 15, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



MARK L. JOHNSON
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.