

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Investigation of</p> <p>PRO MOVERS LLC, D/B/A GROOVIN MOVIN,</p> <p>For Compliance with WAC 480-15-560, WAC 480-15-570, and WAC 480-15-555</p>	<p>DOCKETS TV-200626 and TV-200625 (Consolidated)</p> <p>ORDER 02</p> <p>AMENDING ORDER 01; APPROVING SAFETY MANAGEMENT PLAN; UPGRADING SAFETY RATING; GRANTING APPLICATION FOR REINSTATEMENT OF HOUSEHOLD GOODS PERMIT</p>
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BACKGROUND

- 1 On July 20, 2020, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel Permit as a Household Goods Carrier and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements (Notice) In the Matter of the Investigation of Pro Movers LLC, d/b/a Groovin Movin, (Groovin Movin or Company) For Compliance with Washington Administrative Code (WAC) 480-15 in Docket TV-200626. The Notice set the Brief Adjudicative Proceeding for August 27, 2020, at 1:30 p.m.

- 2 On July 16, 2020, the Commission assessed a penalty of \$4,200 (Penalty Assessment) in Docket TV-200626 against Groovin Movin for 146 violations of WAC 480-15, which adopts by reference Title 49 Code of Federal Regulations (C.F.R.) Part 391 related to driver qualifications; 49 C.F.R. Part 393 related to parts and accessories necessary for safe operations; 49 C.F.R. Part 395 related to preparation of a record of duty status; and 49 C.F.R. Part 396 related to vehicle inspection, repair, and maintenance.

- 3 The Commission conducted a brief adjudicative proceeding on August 27, 2016, before Administrative Law Judge Samantha Doyle. The Company failed to appear. Commission staff (Staff) moved to consolidate Dockets TV-200625 and TV-200626, and the motion was granted.

- 4 After Staff presented its case on the merits, Staff moved for default against the Company. The motion was granted. Later that afternoon, Groovin Movin contacted the Commission and requested the hearing be rescheduled.
- 5 On August 28, 2020, the Commission conducted a second brief adjudicative proceeding before Administrative Law Judge Rayne Pearson. The default order was vacated and the Company presented testimony from Andrey Goncharuk, who explained that the Company submitted a proposed safety management plan to Staff moments before the hearing began. Goncharuk further testified that the Company was unable to pay the penalty due to the economic downturn created by COVID-19.
- 6 Judge Pearson directed Staff to submit its evaluation of the Company's proposed safety management plan by close of business on September 2, 2020.
- 7 On September 2, 2020, Staff filed its evaluation of the Company's proposed safety management plan. Upon review, Staff concluded that Groovin Movin's safety management plan was insufficient because it failed to demonstrate that adequate corrective actions have been taken to address the violations cited in Staff's investigation report.
- 8 Accordingly, on September 4, 2020, the Commission entered Order 01 in consolidated Dockets TV-200625 and TV-200626 (Order 01), which cancelled the Company's provisional household goods moving permit (THG066237) effective September 8, 2020.
- 9 On October 1, 2020, Groovin Movin submitted a revised safety management plan that addresses each violation noted during the safety investigation.
- 10 On October 2, 2020, Groovin Movin applied for reinstatement of its provisional household goods permit.
- 11 On October 28, 2020, Staff filed its evaluation of the Company's revised proposed safety management plan (Evaluation). Upon review, Staff concludes that Groovin Movin's safety management plan is acceptable and meets the requirements of 49 C.F.R. § 385.
- 12 Staff notes in its Evaluation that Groovin Movin provided with its revised proposed safety management plan documentation of driver qualifications, vehicle maintenance, and criminal background information. Additionally, the Company has been inactive since cancellation and will use the Commission's "Achieving a Satisfactory Motor Carrier Safety Record" forms to address maintaining driver's hours of service records. The

Company supplied Staff with evidence that it created a compliance tracking system along with calendar reminders for future compliance dates.

- 13 Staff recommends that Groovin Movin’s safety rating be upgraded to “conditional” and that the Commission authorize the Company’s application for re-instatement as a provisional household goods moving company. Staff additionally recommends that the owner, Andrey Goncharuk, attend the next scheduled household goods industry training provided by Staff.

DISCUSSION AND DECISION

- 14 Washington law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff’s July 2020 compliance review of Groovin Movin found 146 violations of “critical” regulations, which resulted in a proposed unsatisfactory safety rating. “Critical” regulations relate to management and/or operational issues, and violations of these regulations typically indicate a breakdowns 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.
- 15 On October 1, 2020, Groovin Movin submitted its revised proposed safety management plan and a day later requested the Commission reinstate its provisional household goods permit. Staff determined that Groovin Movin’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 the Company’s safety management plan is acceptable and satisfies the legal requirements of 49 CFR Part 385. We agree.
- 16 Based on Staff’s Evaluation, the Commission finds that Groovin Movin has achieved compliance with WAC 480-30-221 by correcting the violations that led to the proposed “unsatisfactory” safety rating. Accordingly, the Commission agrees with Staff’s recommendation that the Company’s safety rating should be upgraded to “conditional.”
- 17 WAC 480-15-450(4)(a) authorizes any household goods carrier whose permit has been involuntarily cancelled to apply for reinstatement of its permit within 30 days of cancellation provided the carrier corrects all of the conditions that led to cancellation of the permit. Here, Groovin Movin has satisfactorily corrected the violations that led to the Commission’s decision to cancel its permit and has timely submitted its application for reinstatement. Based on these circumstances, the Commission agrees with Staff’s

recommendation that Groovin Movin's application for reinstatement should be granted subject to the condition that Company owner Andrey Goncharuk attends the next available Commission-sponsored household goods training. Accordingly, Licensing Services staff is directed to reinstate the Company's permit. If Goncharuk fails to attend the next available Commission-sponsored household goods training, Staff may file a motion in this docket to cancel the Company's permit for failure to comply with the terms of this Order.

ORDER

THE COMMISSION ORDERS THAT:

- 18 (1) Pro Movers LLC, d/b/a Groovin Movin's safety rating is upgraded to "conditional."
- 19 (2) The Commission grants Pro Movers LLC, d/b/a Groovin Movin's application for reinstatement of its provisional household goods carrier permit, subject to the condition that Company owner Andrey Goncharuk attends the next available Commission-sponsored household goods industry training.

DATED at Lacey, Washington, and effective November 3, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Samantha Doyle
SAMANTHA DOYLE
Administrative Law Judge