

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

MIRACLE MAN MOVERS, LLC,

For Compliance with WAC 480-15-555 and
WAC 480-15-570.

DOCKET TV-220511

REVISED NOTICE OF INTENT TO
CANCEL PERMIT AS A HOUSEHOLD
GOODS CARRIER

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS
(Set for October 5, 2022, at 2:30 p.m.)

- 1 Pursuant to RCW 81.80.130, the Washington Utilities and Transportation Commission (Commission) has authority to regulate common carriers, including household goods carriers, with respect to safety of operations. WAC 480-15-450 provides that the Commission may cancel a household goods carrier's permit and operating authority for good cause, including where the carrier fails to comply with safety requirements. Commission staff (Staff) recommends that the Commission cancel the permit of Miracle Man Movers, LLC, (Miracle Man Movers or Company) for good cause due to the Company's ongoing failure to comply with applicable laws and Commission rules pertaining to the operation of household goods carriers, including safety requirements set in law or rule.
- 2 WAC 480-15-999 adopts by reference Title 49 of the Code of Federal Regulations (C.F.R.) pertaining to safety requirements for household goods carriers. WAC 480-15-560 specifically requires carriers to comply with 49 C.F.R. Part 385.49. Additionally, 49 C.F.R. § 385.13 prohibits motor carriers from operating beginning on the 61st day after the date of a notice of proposed unsatisfactory rating. Pursuant to 49 C.F.R. § 385.17, a carrier that receives a proposed unsatisfactory or conditional safety rating may request a change in its safety rating based on evidence that the company has taken corrective actions to address the identified violations and that the company's operations currently meet the safety fitness standards.
- 3 On December 20, 2019, the Commission granted the Company a provisional household goods carrier permit THG068778.
- 4 On February 22, 2021, Staff completed an investigation of the Company's compliance with the safety requirements in WAC 480-15. As a result of the compliance investigation, Staff documented 77 safety requirement violations and proposed a conditional safety rating for the Company.

- 5 On March 8, 2021, the Commission issued a Notice of Intent to Cancel Permit as a Household Goods Carrier and a Notice of Brief Adjudicative Proceeding in Docket TV-210128, setting the brief adjudicative proceeding (BAP) for April 15, 2021, at 9:30 a.m.
- 6 On April 14, 2021, Staff informed the presiding officer in Docket TV-210128 that the Company had submitted to Staff a proposed safety management plan. Staff evaluated the proposed plan and determined it was acceptable. Staff recommended that the Commission cancel the BAP and enter an order addressing the Company's safety rating based on the evidence in the record. The Company also waived its right to the hearing in that docket. That same day, the Commission issued a notice indicating that good cause existed to cancel the BAP set for April 15, 2021.
- 7 On April 19, 2021, The Commission issued Order 01 in Docket TV-210128. In Order 01, the Commission approved the Company's safety management plan, maintained its safety fitness rating at conditional status, and extended the Company's provisional period until such time as the Company achieved a satisfactory safety rating.
- 8 On June 29, 2022, Staff completed a follow-up investigation of the Company's compliance with the safety requirements in WAC 480-15. As a result of the follow-up compliance investigation, Staff documented 261 safety requirement violations and proposed an unsatisfactory safety rating for the Company. Staff notified the Company of this proposed rating on June 29, 2022.
- 9 On August 5, 2022, Staff filed a Motion to Strike Brief Adjudicative Proceeding and Motion for Leave to File Amended Notice of Intent to Cancel Permit as a Household Goods Carrier (Motion) requesting that the Commission cancel the scheduled BAP and allow Staff to file an amended notice of intent to cancel, in which the Commission would set time for a new BAP and reset the deadlines by which Miracle Man must gain Commission approval of its safety management plan. In support of its Motion, Staff explained that, upon reviewing the documents submitted with the Company's Response, it became apparent that Staff's investigation report should be amended to reflect a revised proposed safety rating. Staff further states that the Company supports the Motion.
- 10 On August 9, 2022, the Commission entered Order 01, Granting Staff's Motion (Order 01), canceling the BAP and requiring Staff to file a revised investigation report by August 26, 2022.
- 11 On August 11, 2022, Staff issued a revised investigation report to the Company, reflecting the necessary changes prompted by the Company's response documents. This revised investigation report also reflected a revised recommended safety rating of conditional rather than unsatisfactory. As a result of the revised compliance investigation and report, Staff documented 213 safety requirement violations and proposed a conditional safety rating for the Company.

- 12 On August 22, 2022, Staff filed a letter in this docket requesting that the Commission grant staff a continuance, for good cause, of the deadline to file the revised investigation report.
- 13 On August 23, 2022, Staff filed a letter requesting that the Commission withdraw the Penalty Assessment. In the August 23 letter, Staff stated that documents that were made available to staff only after the Penalty Assessment was issued required Staff to change its assessment of the Company's violations. Thus, for the same reasons that it requested leave to file a revised investigation report, Staff requested that the Commission withdraw the Penalty Assessment. Staff stated that it will prepare a separate penalty assessment for Commission issuance based on the revised analysis.
- 14 On August 23, 2022, the Commission issued a Notice Extending Deadline to File Revised Investigation Report and Notice of Withdrawal of Penalty Assessment. This notice provided that the deadline for Staff to file its revised investigation report was extended to September 9, 2022.
- 15 Under the circumstances presented in this case, the Commission determines that it will afford Miracle Man Movers the same opportunity as companies that have received a proposed unsatisfactory rating to provide evidence, in the form of an approved safety management plan, showing that it has taken corrective action to address the identified violations. Miracle Man Movers must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than October 10, 2022. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective October 11, 2022. Thereafter, as an unregistered company, Miracle Man Movers would be prohibited from providing household goods carrier service in the state of Washington.
- 16 **THE COMMISSION GIVES NOTICE: That it intends to cancel the permit and authority of Miracle Man Movers to provide services as a household goods carrier effective October 11, 2022, for cause, following a hearing on the factual allegations set out above, unless the Company obtains Commission approval of a safety management plan prior to that date.**
- 17 The Company has the right to request a hearing in this matter. Due to the short timeframe determined by the upcoming deadline, and pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel Miracle Man Movers' provisional household goods carrier permit.

THE COMMISSION GIVES FURTHER NOTICE: That it will hold a virtual brief adjudicative proceeding in this matter at 2:30 p.m. on October 5, 2022. To participate in the hearing by phone, call (253) 215-8782 and enter the Meeting ID: 882 6530 4623#

and the Passcode: 645530#. To participate via Zoom, please use the following link: [Click here to join meeting.](#)

- 18 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.
- 19 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide on its website copies of documents in the current record for use by the parties or others who may want to review them.
- 20 **Miracle Man Movers must submit its proposed safety management plan no later than 5 p.m. on September 21, 2022.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5 p.m. on September 28, 2022**, and email copies of those documents to the other parties and the presiding officer by 5 p.m. on September 28, 2022. Filing shall be in accordance with WAC 480-07-140.
- 21 **THE COMMISSION GIVES NOTICE: That any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 22 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and
Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Daniel J. Teimouri
Assistant Attorney General
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1189
daniel.teimouri@utc.wa.gov

Respondent: Miracle Man Movers, LLC
14602 N.E. Fourth Plain Blvd. #J
Vancouver, WA 98682

Representative: Unknown

23 Administrative Law Judge Samantha Doyle, from the Commission's Administrative Law Division, will preside during this proceeding.¹

DATED at Lacey, Washington and effective September 13, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

¹ Judge Doyle can be reached at (360) 664-1164 or samantha.doyle@utc.wa.gov.

NOTICE

Hearings are accessible to persons with disabilities and persons who do not speak English as a first language. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please provide the information requested below via email to Paige Doyle, paralegal, at paige.doyle@utc.wa.gov:

(PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____