



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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State Of WASH.  
UTIL. AND TRANSP.  
COMMISSION

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**NOTICE OF OPPORTUNITY TO RESPOND TO MOTION TO IMPOSE  
SUSPENDED PENALTY  
(By Friday, August 14, 2020)**

RE: *In the Matter of the Penalty Assessment Against Wise Choice Movers, LLC, in the Amount of \$22,900, Docket TV-180287*

TO ALL PARTIES:

On April 24, 2018, the Washington Utilities and Transportation Commission (Commission) assessed a \$22,900 penalty (Penalty Assessment) against Wise Choice Movers, LLC (Wise Choice Movers or Company) for 235 critical violations of Washington Administrative Code (WAC) 480-15-555, and WAC 480-15-560 through 570, which adopt by reference sections of Title 49 Code of Federal Regulations (C.F.R.).

On April 17, 2018, the Company responded to the Penalty Assessment, admitting the violations and requesting mitigation of the penalty. On July 6, 2018, the Commission entered Order 01, Granting Mitigation to \$11,950, Suspending Penalty, in Part (Order 01). Order 01 suspended \$6,700 of the penalty for a period of two years, subject to the following conditions: (1) Wise Choice Movers must either pay the \$5,250 portion of the penalty that is not suspended or file jointly with Staff a proposed payment arrangement within 10 days of the effective date of the Order; and (2) Wise Choice Movers may not incur any repeat violations of critical regulations. On August 6, 2018, the Company paid the non-suspended portion of the penalty in full.

On August 6, 2020, Staff filed with the Commission a letter requesting the Commission impose the \$6,700 suspended penalty. In its two-year follow-up investigation of Wise Choice Movers, Staff alleges that it identified 46 repeat violations of a critical regulation. Staff alleges that Wise Choice movers allowed three drivers to operate a commercial motor vehicle on 46 occasions while not medically examined and certified. On that basis, Staff recommends the Commission impose the remaining \$6,700 suspended portion of the penalty for failing to comply with the terms of Order 01.

Washington Administrative Code (WAC) 480-07-395(4) provides that the Commission will consider pleadings and motions based primarily on the relief they request, and will not rely solely on the name of the document. As such, we construe Staff's letter requesting the Commission impose the suspended portion of the penalty as a motion, which is defined as "a party's written or oral request for commission action in the context of an adjudicative proceeding."<sup>1</sup> Any party that opposes a written motion may file a written response within five business days after the motion is served.<sup>2</sup> Accordingly, Wise Choice Movers may file a written response to Staff's motion by Friday, August 14, 2020. The Company may include with its response a request for a hearing to contest Staff's allegations, provided it also includes a written statement of the reasons it believes a hearing is necessary. The Commission will conduct a hearing only if the Company identifies genuine issues of material fact that need to be resolved in an evidentiary hearing. If Wise Choice Movers fails to file a response, the Commission will rely on Staff's motion to make its decision.

**THE COMMISSION GIVES NOTICE That Wise Choice Movers, LLC, must file any written response to Staff's motion or request for hearing and supporting explanation by 5 p.m., Friday, August 14, 2020.**

*/s/ Rayne Pearson*

RAYNE PEARSON

Director, Administrative Law Division

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<sup>1</sup> WAC 480-07-375(1).

<sup>2</sup> WAC 480-07-375(4).