

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of SAFE-TO-GO-MOVERS, LLC, For Compliance with WAC 480-15	DOCKET TV-190515 (<i>Consolidated</i>) ORDER 04
In the Matter of the Penalty Assessment against SAFE-TO-GO-MOVERS, LLC, in the amount of \$8,600	DOCKET TV-190514 (<i>Consolidated</i>) ORDER 04
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, v. SAFE-TO-GO-MOVERS, LLC, Respondent.	DOCKET TV-200161 (<i>Consolidated</i>) ORDER 03 INITIAL ORDER APPROVING SETTLEMENT AGREEMENT

BACKGROUND

- 1 On May 12, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 03/03/02, cancelling the prehearing conference, suspending the procedural schedule, and consolidating Dockets TV-190514, TV-190515, and TV-200161 (Order).¹ The Order gave the parties until May 29, 2020, to submit a settlement agreement resolving the cases brought against Safe-to-Go-Movers, LLC, (Safe-to-Go-Movers or Company) in these consolidated dockets.
- 2 On May 26, 2020, Commission staff (Staff) submitted a Settlement Agreement, Supportive Narrative, and Declaration of Jason Sharp (Settlement Agreement). As part of the Settlement Agreement, Safe-to-Go-Movers agrees to submit a safety management plan compliant with 49 C.F.R. Part 385 that addresses the violations alleged by the Commission's complaint in Docket TV-200161. The Settlement Agreement provides

¹ The Order recited the lengthy procedural history of these consolidated dockets, which need not be repeated here.

Commission will impose a \$5,000 penalty previously suspended in Dockets TV-190514 and TV-190515 and require the Company to pay that amount according to the payment plan established by Order 02 in those dockets. The Commission will also impose a penalty of \$5,400 in Docket TV-200161, all of which will be suspended for a period of two years, and waived thereafter, if the Company avoids incurring repeat critical or acute violations in a follow-up review that Staff will conduct at least six months after the Commission enters a final order approving the Settlement Agreement.

- 3 On May 26, 2020, the Public Counsel Unit of the Office of the Attorney General (Public Counsel) filed a letter indicating that it neither supported nor opposed the Settlement Agreement. Public Counsel did not seek to offer or cross-examine any witnesses, and it requested to be excused from attending further proceedings in this matter.
- 4 Jeff Roberson, Assistant Attorney General, Olympia, Washington, represents Staff. Lisa W. Gafken, Assistant Attorney General, Seattle, Washington, represents Public Counsel. James Mwangi, Owner, represents Safe-to-Go-Movers.

DISCUSSION AND DECISION

- 1 WAC 480-07-750(1) states in part: “The commission will approve settlements when doing so is lawful, the settlement terms are supported by an appropriate record, and when the result is consistent with the public interest in light of all the information available to the commission.” Thus, the Commission considers the individual components of the Settlement Agreement under a three-part inquiry, asking:

- Whether any aspect of the proposal is contrary to law.
- Whether any aspect of the proposal offends public policy.
- Whether the evidence supports the proposed elements of the Settlement Agreement as a reasonable resolution of the issue(s) at hand.

The Commission must determine one of three possible results:

- Approve the proposed settlement without condition.
- Approve the proposed settlement subject to conditions.
- Reject the proposed settlement.

- 2 We approve the Settlement Agreement without condition. The parties made concessions relative to their respective litigation positions to arrive at end results that are supported by the evidence in the record. Safe-to-Go-Movers agreed to submit a safety management plan that addresses the violations alleged by Staff, and the Company also agreed to pay

the previously suspended \$5,000 portion of the penalty imposed in Dockets TV-190514 and TV-190515. Staff notes that the Company has already submitted its safety management plan as required by this Settlement Agreement.² The total penalty amount of \$10,400, \$5,400 of which is suspended, is reasonable, both in terms of the \$5,000 penalty the Company must pay according to a payment plan and the suspended amount it must pay if it fails to comply with the Settlement Agreement.

3 The terms of the Settlement Agreement are not contrary to law or public policy and reasonably resolve all issues in this proceeding. The Settlement Agreement supports the Commission's goal of obtaining compliance with safety regulations and permits the Company to pay a reduced penalty contingent on the Company refraining from further violations for a period of two years, which provides an incentive for ongoing compliance. Given these factors, we find the Settlement Agreement is consistent with the public interest and should be approved as filed.

ORDER

THE COMMISSION ORDERS THAT:

- 5 (1) The Settlement Agreement is approved without condition, is attached as Exhibit A to, and incorporated into, this Order, and is adopted as the final resolution of the disputed issues in these consolidated dockets.
- 6 (2) The Commission imposes the \$5,000 penalty it suspended in Dockets TV-190514 and TV-190515. The \$5,000 penalty is added to the remaining balance of the penalty imposed in Dockets TV-190514 and TV-190515. Safe-to-Go-Movers, LLC, must pay the resulting balance according to the terms of the payment plan established by Order 02 in Dockets TV-190514 and TV-190515, which requires Safe-to-Go-Movers, LLC, to make monthly payments of \$240 on the business day closest to the 20th day of every month.
- 7 (3) The Commission imposes a \$5,400 penalty against Safe-to-Go-Movers, LLC, in Docket TV-200161. The Commission suspends the entire penalty for a period of two years, and then waives it thereafter, subject to the condition that Safe-to-Go-Movers, LLC, does not incur any repeat critical or acute violations when Staff conducts a follow-up review at least six months after the service date of this Order approving the Settlement Agreement.

² Decl. of Jason Sharp at ¶ 4.

DATED at Lacey, Washington, and effective May 29, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael Howard

MICHAEL HOWARD

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 480-07-825(2)(a) provides that any party to this proceeding has 20 days after the entry of this initial order to file a petition for administrative review (Petition). Section (2)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-825(2)(c) states that any party may file a response to a Petition within 10 days after service of the Petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence that is essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will give other parties in the proceeding an opportunity to respond to a motion to reopen the record, unless the Commission determines that it can rule on the motion without hearing from the other parties.

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 does not 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).