

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of	DOCKET TV-250448
AIRUS MOVERS LLC	ORDER 01
For Compliance with WAC 480-15-560	REJECTING SAFETY MANAGEMENT PLAN; REJECTING EXTENSION OF TEMPORARY AUTHORITY; REJECTING EXTENSION OF PROVISIONAL PERIOD

BACKGROUND

- 1 On September 5, 2024, the Washington Utilities and Transportation Commission (Commission) issued a notice of its intent to cancel Airus Movers, LLC's (Airus Movers or Company) temporary operating authority in Docket TV-240620 due to its failure to obtain the satisfactory safety rating necessary to successfully graduate from provisional to permanent permit status. The Commission canceled Airus Mover's provisional permit pursuant to that notice but subsequently reinstated it by entering Order 02 in Docket TV-240620.¹
- 2 "Per order 02 in Docket TV-240620, [the] follow-up safety investigation was assigned to Tracy Coble, Special Investigator (SI) of the Washington Utilities and Transportation Commission."² On June 4, 2025, Commission staff (Staff) completed a follow-up safety investigation of Airus Movers, alleging critical violations for three different safety categories including: (1) the Driver; (2) Vehicle/Maintenance; and (3) Operational/Driving factors.³
- 3 In addition to many non-critical violations, Staff's investigation documented three repeat critical safety violations:
 - Two violations of 49 C.F.R. § 391.45(a) for allowing a driver to run a motor vehicle without a valid medical certificate.⁴

¹ Airus had failed to appear at a scheduled hearing and was held in default.

² TC-1 at 13.

³ See 49 C.F.R. §§ 385.5, 385.7.

⁴ TC-1 at 4.

- 47 violations of 49 C.F.R. § 395.8(a)(1) for failing to require seven drivers a record of duty status on 47 separate occasions.⁵ Staff proposed a conditional safety rating.⁶
- One violation of 49 C.F.R. § 396.3(b), for failing to maintain minimum records of inspection and vehicle maintenance.⁷

- 4 On June 9, 2025, the Commission issued a Notice of Intent to Cancel Permit as a Household Goods Carrier; Notice of Brief Adjudicative Proceeding (BAP); Setting Time for Oral Statements (Notice or NOIC) in Docket TV-250448.⁸
- 5 The Notice explained that based on Staff's June 2025 compliance review of the Company's operations, Staff recommended the Commission cancel Airus Mover's household goods carrier permit unless the Company obtained Commission approval of a safety management plan (SMP).⁹ The Commission also noticed a Brief Adjudicative Proceeding (BAP) on July 16, 2025, at 9:30 a.m., to determine whether it should cancel Airus Movers' household goods carrier permit.¹⁰
- 6 The Notice directed Airus Movers to file an approved SMP by August 1, 2025, or be subject to cancelation on August 4, 2025. The notice instructed Airus Movers to submit a proposed SMP no later than July 2, 2025.
- 7 On July 15, 2025, Airus Movers submitted a proposed SMP.
- 8 On June 16, 2025, the Commission issued a notice canceling the July 16, 2025, hearing and informing the parties that the Commission would enter an order based on the parties' written submissions.

⁵ TC-1 at 3-5.

⁶ TC-1 at 3.

⁷ TC-1 at 5. We note that the counting of charges for penalty calculation purposes under Docket A-120061 is a separate inquiry from whether a violation constitutes a continuing violation, for the purpose of calculating a safety rating. *C.f.* RCW 81.04.405 (“[I]n case of a continuing violation every day’s continuance shall be and be deemed to be a separate and distinct violation.”); RCW 81.04.380 (“Every violation of any such order, direction or requirement of this title shall be a separate and distinct offense, and in case of a continuing violation every day’s continuance thereof shall be and be deemed to be a separate and distinct offense.”).

⁸ NOIC at ¶ 1.

⁹ NOIC at ¶ 8.

¹⁰ NOIC at ¶ 11.

- 9 On July 18, 2025, Staff filed with the Commission its evaluation of the Company’s safety management plan (Evaluation). Staff determined, based on its review of the Company’s proposed plan, that the Company took all of the required steps to bring its safety operations into compliance with Commission regulations. The Evaluation states that “[t]he proposed conditional safety rating was based on one violation of repeat critical regulations 49 C.F.R. § 395.8(a)(1).”¹¹ The Federal Motor Carrier Safety Administration (FMCSA) standards for new entrants guidelines recommend automatic failure for non-compliance with the driver’s record of duty station regulation, 49 C.F.R. § 395.8(a).¹²
- 10 The Evaluation states that the Commission issued a penalty for “two violations of 49 C.F.R. § 391.45(a) for using a driver not medically examined and certified[;]”¹³ and “one violation of 49 C.F.R. § 396.3(b) for failing to keep minimum records of inspection and vehicle maintenance.” Both § 391.45(a) and § 396.3(b) are listed as critical violations in Appendix B to Part 385. Staff’s analysis does not appear to have included these violations in concluding that the Driver and Vehicle Safety Factors were Satisfactory.¹⁴
- 11 Staff found the SMP adequate and accepted it. Under the adopted 49 C.F.R. Part 385 Safety Fitness Standard, when the agency “determines that the motor carrier has taken the corrective actions required and that its operations currently meet the safety standard and factors specified in §§ 385.5 and 385.7, the agency will notify the motor carrier in writing of its upgraded safety rating.”¹⁵
- 12 On July 23, 2025, Staff evaluated Company’s SMP as sufficient.¹⁶
- 13 Staff’s Evaluation makes no recommendation as to the Company’s safety rating.¹⁷
- 14 Staff requests that the Commission extend the Company’s provisional operating authority under a set of proposed conditions:

¹¹ Evaluation at 1.

¹² Table to 49 C.F.R. § 385.321 at 13.

¹³ Evaluation at 2. *See also* Appendix B to Part 385 at II.(g) (“A pattern is more than one violation.”).

¹⁴ TC-1 at 20.

¹⁵ 49 C.F.R. 385.17(h). *See also* WAC 480-15-560 (adopting FMCSA safety standards by reference.).

¹⁶ Evaluation at 3.

¹⁷ Evaluation at 1-3.

1. Ruslan Dosniyazov and Aida Bekova attend the September 10, 2025, Household Goods Safety training provided by Staff;
2. Staff conduct a follow-up safety investigation at least six months from the date of an Order;
3. Airus Movers must obtain a satisfactory safety rating following the investigation;
4. Upon reinspection, the Company may not incur any repeat critical violations; and
5. Failing to meet any of these conditions would constitute grounds for cancellation of the Company's provisional permit.¹⁸

- 15 In its Evaluation, Staff also requested that the Commission cancel the BAP and decide this matter on a paper record. Staff stated that it conferred with Airus Movers and that the Company waived its right to a hearing.
- 16 On September 6, 2023, Airus Moving was granted provisional authority and a temporary permit.¹⁹ In this case, the 18-month provisional period expired March 6, 2024, approximately fourteen months ago. On November 18, 2024, in Order 02 of Docket TV-240620, the Company's "conditional permit [wa]s reinstated." If this were interpreted as a fresh grant of temporary authority, in addition to an extension of the provisional period, the one-hundred and eighty day grant ended on May 17, 2025.
- 17 Neither Orders 03 nor 04 of Docket TV-240620 extended the provisional period or issued a new grant of temporary authority.

DISCUSSION AND DECISION

- 18 Washington Law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's March 2020 compliance

¹⁸ Evaluation at 3.

¹⁹ RCW 81.80.170 allows the Commission "to issue temporary permits to temporary household goods carriers for no more than one hundred eighty days." Separately, WAC 480-15-305(1)(b) contemplates a provisional period "of not less than six months and no more than 18 months from the date the provision permit was issued unless." cause is found.

review of Airus Movers found 68 violations of critical safety regulations, which resulted in a proposed unsatisfactory safety rating.

- 19 On July 15, 2025, the Company submitted its proposed safety management plan. The record is not clear if the Company requested the Commission upgrade its safety rating. Staff determined that Airus Movers' SMP addressed each violation, identified how each violation occurred, described the steps taken to correct each violation and the controls put in place to ensure compliance moving forward. Staff concludes that Airus Movers' SMP is acceptable and satisfies the legal requirements of 49 C.F.R. Part 385 by correcting the violations that led to the proposed conditional safety rating. We have not been asked by either party to evaluate that determination.
- 20 An SMP is meant to explain how the violations occurred, what corrective actions have been taken by the Company to cure them, and explain how company management will prevent reoccurrence.²⁰ This can provide a factual basis for the Commission to determine if corrective actions have been taken to justify a safety rating change.²¹ An SMP also assists the Commission in the separate question of determining whether there is cause to extend a provisional period.²² The Commission's regulations envision permanent authority applicants passing a safety audit within the first 18 months of operations, unless excepted.²³ This corresponds with adopted FMCSA safety standards which envision new entrants achieving sufficient safety management controls within 18 months.²⁴
- 21 Airus was issued a permit providing provisional authority to operate on September 6, 2022, which appears to have originally been set to expire on March 6, 2024.²⁵ Permanent authority requires Airus to have achieved a "satisfactory" rating by this point. WAC 480-15-305(1)(b) provides that, prior to a grant of permanent authority, an applicant must complete a provisional period of not less than six months and not more than 18 months

²⁰ 49 C.F.R. 385.17 (a) ("A motor carrier that has taken action to correct the deficiencies that resulted in a proposed or final rating of 'conditional' or 'unsatisfactory' may request a rating change at any time.").

²¹ 49 C.F.R. § 385.17(c) ("The motor carrier must base its request upon evidence that it has taken corrective actions and that its operations currently meet the safety standard and factors specified in §§ 385.5 and 385.7. The request must include a written description of corrective actions taken, and other documentation the carrier wishes the FMCSA to consider.").

²² WAC 480-15-305(1)(b).

²³ 480-15-305(3).

²⁴ 49 C.F.R. §§ 385.301b), 385.307.

²⁵ It is not clear when this authority was extended, or by what mechanism, but given the state of the record there would appear to presently be an implied authority.

unless the Commission determines for good cause that the provisional period should be extended. Good cause may include, among other things, a carrier that has not yet achieved a satisfactory safety rating but is making substantial progress toward a satisfactory rating.

- 22 We evaluate whether the Company is making “substantial progress toward a satisfactory rating,” through a review of the Company’s history of safety inspections and audits at the Commission. In order to evaluate the credibility of Company’s assurances of future compliance, we will compare past promises of improvement with the results of the most recent investigation.
- 23 In TV-240620 (“First BAP”), the Company was originally given a proposed unsatisfactory rating score, based upon citations for violations of 49 C.F.R. §§ 391.11(a); 391.45(a); 391.51(a); 392.2; 395.8(a)(1); 396.3(b); 396.17(a); 396.9(d)(3).²⁶
- 24 In this matter, TV-250448 (“Second BAP”) Company was cited as violating 49 C.F.R. §§ 395.8(a)(1); 390.19(b)(2); 391.21(a); 391.23(a)(2); 391.45(a); 391.51(b)(3); 396.3(b); 396.9(d)(3); 396.17(a); 392.2; 376.12(I).²⁷
- 25 The Company thus repeated critical violations of 49 C.F.R. §§ 391.45(a), 392.2, 396.3(b). Docket A-120061 identifies repeat violations as lending towards harsher penalties.

Existing Compliance Program- Driver Vehicle Inspection Reports

- 26 Docket A-120061 identifies the state of the Company’s existing compliance program as a factor in determining severity of punishment. We consider the condition of such internal controls in evaluating whether there is good cause to extend the probationary period of the Company’s application, or whether it would be in the public interest to grant a company a new temporary authority.
- 27 As mentioned herein, the Company had repeat critical violations of 49 C.F.R. §§ 391.45(a), 392.2, 396.3(b).
- 28 This in itself is evidence that the Company’s existing compliance program is lacking and has failed to improve despite the Company’s work with Staff and having a previously approved SMP to address these exact issues.

²⁶ Docket TV-240620, LM-1 at 3-7.

²⁷ TC-1 at 3-7.

29 Further, while not before the Commission as a violation found in this proceeding, but instructive as to the Company’s overall compliance program, we look to another example of a compliance program in the context of Part 385 — Driver Vehicle Inspect Reports (DVIR). The DVIR is a form of internal controls for carriers to mitigate risk caused by vehicle maintenance. One of the safety factors considered in a Comprehensive Review is the “Vehicle Factor.”²⁸

When at least three vehicle inspections are recorded in the Motor Carrier Management Information System (MCMIS) during the twelve months before the safety audit or performed at the time of the review, the Vehicle Factor (Part 396) will be evaluated on the basis of the Out-of-Service (OOS) rates and noncompliance with acute and critical regulations.²⁹

When fewer than three inspections have been conducted in the time period, violations of §§ 393 and 396 are evaluated.³⁰ The Company underwent an inspection of three of its vehicles.³¹

30 We consider the DVIR within the context of the compliance program factor described in Docket A-120061 for purposes of addressing whether there is in fact good cause to extend the Company’s provisional permit.

31 The carrier had no process for receiving or evaluating Driver Vehicle Inspection Reports.³²

32 Drivers are responsible for noting on DVIRs conditions which could “[a]ffect the safety of operation of the vehicle, or result in its mechanical breakdown.”³³

²⁸ Part 385 appendix B.II.A.

²⁹ Part 385 appendix A.III.(a)

³⁰ Part 385 appendix B.II(f)(5).

³¹ TC-1 at 18. The exhibit refers to an “attached Safespect vehicle inspection reports” which does not appear to be in the record.

³² TC-1 at 18 (“Dosniyazov was unable to demonstrate compliance with the DVIR process. The DVIR documentation and reporting requirements outlined in C.F.R. 396.11 were discussed in detail with Dosniyazov. The carrier was not in compliance with the DVIR reporting and documentation requirements, however no violations were recorded due to lack of documentation as proof that a DVIR was required.”).

³³ 49 C.F.R. § 396.11(a)(2)(i). *See also* 49 C.F.R. § 396.3(a)(1); Appendix B of 49 C.F.R. Part 385 “§ 396.3(b) Failing to keep minimum records of inspection and vehicle maintenance (critical). . . . § 396.11(a) Failing to require driver to prepare driver vehicle inspection report (critical).”).

- 33 This is a different, lower, standard than the one used for imminent hazards.³⁴
- 34 The submitted SMP acknowledges that one of the vehicles in fact had maintenance issues that affected the operation of the vehicle such that it was unable to initially pass an inspection.³⁵
- 35 There is enough evidence in the record to infer that prior to the date of failed inspection, the Company was or should have been on notice of vehicle defects.³⁶ After each day of work – it would seem there was an opportunity (and duty) for the Company’s drivers to create a record, memorializing the vehicle’s condition and whether it had deteriorated further. The Company did not create these records, had no system to receive these records, nor did the Company create the maintenance records which would have informed the Commission as to whether a DVIR creation was required.³⁷
- 36 Due to the non-creation of DVIR for the vehicle, it is not clear when or by whom or how often, a determination was made that the vehicles were safe to continue operating. If the Company had engaged in this safety management control, then theoretically there should be a document that memorializes a decision of whether repairs were necessary prior to the vehicles failed inspection described in the SMP.³⁸
- 37 We note this in our evaluation not to suggest that a violation definitively occurred, but to demonstrate that the poor state of the Company’s compliance program – its safety management controls – limits the Commission’s ability to evaluate progress.³⁹

³⁴ See 49 C.F.R. 385.421(c)(1).

³⁵ SMP at 4. (“We completed the annual inspection for the vehicle, which did not pass due to maintenance issues.”). See also TC-1 at 5, 21 (noting failure to maintain maintenance file for “1GDG5C1E55F905233”).

³⁶ The standard for a whether a DVIR is required inquires whether the defect “would likely to affect the safety of operation of the vehicle.” 49 C.F.R. § 396.11(a)(3). The standard for an out of service defect is “would likely cause an accident or breakdown.” 49 C.F.R. § 396.9(c)(1).

³⁷ TC-1 at 5 (citing violation of 396.3(b)).

³⁸ 49 C.F.R. § 396.11(a)(3).

³⁹. See also Docket A-120061 ¶ 15(10) (“The Commission is more likely to take enforcement action if the company does not have an active and adequate compliance program in place . . .”).

- 38 For further example, the failure of the Company to create DVIR records also would have prevented the Company's drivers from reviewing the last driver vehicle inspection report as required by 49 C.F.R. § 396.13.⁴⁰
- 39 Given that no records exist when such records should exist, we weigh this against a finding that the Company is making reasonable progress towards a satisfactory safety rating.⁴¹
- 40 Additionally, we find the Company's claim⁴² of being unfamiliar with this required process unpersuasive. The record shows that Airus Movers received technical assistance in the First BAP.⁴³ For the Company to again not have such a system in place at the second inspection, and to claim ignorance, weighs against a finding of progress.⁴⁴
- 41 To the extent that the record is ambiguous, and that ambiguity was caused by the Company's failure to create a record for which it had a duty, the resolution of such ambiguity should weigh against the Company. The record does not clearly establish the Company has ever been in compliance with the DVIR requirements, which is a compliance program required by critical regulations.

⁴⁰ See *Est. of McDuffie-Connor v. Neal*, 2024 Mich. App. LEXIS 1014, *48-49 ("the fact that Neal was on the road with five brakes out of adjustment, in violation of 49 C.F.R. 393.47(e), is further evidence that he did not conduct a pre-trip inspection, in violation of 49 C.F.R. 396.13(a), which is further evidence of breach. Put simply, this is evidence that he did not conduct an inspection that would have identified the inoperable turn signal in addition to the faulty breaks. Depending on the pervasiveness of the problem, it is also evidence that Neal did not review prior inspection reports, see 49 C.F.R. 396.13(b) and 396.11(a)(2)(i), or that NSS did not maintain its trucks or adequately train its drivers").

⁴¹ See *Seattle Tunnel Partners v. Great Lakes Reinsurance (UK), PLC*, 26 Wn. App. 2d 319, 336-337 (adopting *Sweet* spoliation standard.); see also *Nayokpuk v. United States*, 848 F. Supp. 2d 1030, 1033 (D. Alaska 2012). ("In *Sweet*, the Alaska Supreme Court held that where a medical malpractice plaintiff's ability to prove negligence is impaired by the defendant's breach of duty to create or maintain adequate records, a trial court should shift the burden of proof to the defendant to prove by a preponderance of the evidence that it was not negligent.").

⁴² See TC-1 at 18.

⁴³ See also Docket TV-240620, LM-1 at 10 (Aug 13, 2024) ("There were no records of DVIR's which drivers, management and mechanics use to help track defects and repair to the carriers CMV's."). *Id.* (recommending company "[d]evelop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics. • Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.").

⁴⁴ *Supra* ¶ 43-54.

- 42 We note the apparent purpose of a daily reporting regime is to create systems that proactively identify and address problems. The daily regiment is meant to be a routine prophylactic. The record keeping obligations of the DVIR and maintenance records work in tandem to keep track of when problems were noticed by drivers and when they were fixed by owners, as a way to measure and evaluate safety management controls. The Commission is interested to know how the Company addresses safety problems, and whether the Company is improving in that process over time.

Intentionality - Duty of Knowledge

- 43 Docket A-120061 identifies intentionality as a factor to consider in making enforcement decisions. The Commission considers whether companies have ignored previous technical assistance, and whether there is clear evidence that the Company knew of and failed to correct the violations.

- 44 In addressing one of the repeat violations, the Company explains:

Even though the SMP that was accepted in October 2024 covered the necessary steps to be addressed and a person responsible to keep track of it was assigned, I, Ruslan Dosniyazov, have failed to monitor the progress of this process and left this task completely under the management of Nazarbek Koshbaev. It was my personal responsibility that it did not come to my attention when the hours-of-service record-keeping was abandoned.

- 45 This explanation, in a second SMP, does not support a finding of reasonable progress towards coming into compliance. The nature of the responsibility here is not one to take, or to shift. Compliance was required at the time Airus began operations.

- 46 The owner of a motor carrier has a duty of knowledge.⁴⁵

- 47 The owner of a motor carrier has a duty to train its employees.⁴⁶

- 48 The driver of a motor carrier has a duty to comply with all applicable regulations.⁴⁷

⁴⁵ 49 C.F.R. § 390.3(e)(1) (“Every employer shall be knowledgeable of and comply with all regulations contained in this subchapter that are applicable to that motor carrier's operations.”).

⁴⁶ 49 C.F.R. § 390.3(e)(2) “Every driver and employee involved in motor carrier operations shall be instructed regarding, and shall comply with, all applicable regulations contained in this subchapter.”).

⁴⁷ *Id.*

- 49 The failure to create required records is not something that can be “completely under the management” of an individual. The duty of knowledge is a nondelegable obligation.
- 50 Further, it is unclear how Mr. Dosniyazov could have been unaware of when “record-keeping was abandoned,” since as a driver he would have had personal knowledge of when he started and stopped making the required duty station records.⁴⁸
- 51 The Company committed critical violations after receiving explicit instructions from the Commission about their applicability.
- 52 “We acknowledge that this was a repeat violation and take full responsibility for not maintaining a complete vehicle maintenance file, despite addressing this requirement in our initial SMP.”⁴⁹
- 53 Regarding using drivers without a medical certificate, “[t]his issue was addressed in our original SMP, and we recognize that the recurrence of this violation indicates a gap between our SMP and actual implementation.”⁵⁰
- 54 The Company either (1) knew it was violating regulations and did so anyway, or (2) did not know it was violating regulations but should have. The Company’s explanations do not tend to support a finding that the Company is making reasonable progress towards compliance. Consequently, the second SMP does not sufficiently support a finding that there is good cause for an extension of the Company’s provisional period, or an exception to the timing restrictions to be made.

Extension of Provisional Period

- 55 Due to the above concerns, we do not find good cause to believe that the provisional period should be extended. While the record does indicate some steps towards compliance have been taken,⁵¹ the record does not clearly demonstrate that the Company is making reasonable progress towards compliance. FMCSA regulations anticipate covered carriers to have sufficient systems in place to produce required records within

⁴⁸ See TC-1 at 3 (noting instances of Mr. Disniyazov driving).

⁴⁹ SMP at 4-5

⁵⁰ SMP at 3-4.

⁵¹ For example, the SMP demonstrates, “Documentation of driver qualifications, hours of service records, criminal background checks, leasing, annual reporting, vehicle maintenance, company policy and training documents were included in the plan. Additionally, The Company provided evidence that it has created a compliance tracking system with calendar reminders and identified employees responsible for future compliance.” Evaluation at 3.

three months of operation.⁵² For Airus to produce these records at over 30 months of operation, after several rounds of prompting, is of limited assurance. Further, Staff maintains a recommended safety rating of “conditional,” which definitionally means that the “motor carrier does not have adequate safety management controls in place to ensure compliance.”⁵³ For Airus to still have a “conditional” safety rating, after this level of staff assistance, does not tend to support a finding of substantial progress.

- 56 Accordingly, we do not accept Staff’s recommendation to extend the Company’s provisional period for its household goods operating authority.
- 57 We decline to further extend Company’s provisional period or to issue a new grant of temporary authority. The Company’s current temporary authority appears to have already expired.⁵⁴ RCW 81.80.170 allows the Commission “to issue temporary permits to temporary household goods carriers for no more than one hundred eighty days.” We decline to issue a new temporary permit in this Order, or to extend the provisional period further.
- 58 As provided for by WAC 480-15-305(3), “[i]f the carrier has not completed the requirements for permanent authority within 18 months of the date the provisional permit was issued, the commission will cancel the provisional permit and dismiss the application for permanent authority, unless” good cause is found.
- 59 Airus is beyond 18 months from the beginning of its provisional permit. They have not achieved a satisfactory safety rating.⁵⁵ We do not find good cause to grant additional time, and find cancelation is appropriate here. As provided for in WAC 480-15-450(4), if

⁵² 49 C.F.R. 385.307(b).

⁵³ 49 C.F.R. 385.3.

⁵⁴ RCW 81.80.170 allows the Commission “to issue temporary permits to temporary household goods carriers for no more than one hundred eighty days.” If we were to have found good cause warranted an extension, this Order would have sought to clarify its posture by evaluating the mechanisms by which the Company’s temporary authority has continued beyond 180 days from initial issuance. Such procedural history would appear to be a required foundation to reincarnating temporary authority. Additionally, this Order will not reach the interpretative question of how such an extension should be noted or if circumstances exist to excuse such notice. RCW 81.80.075(2) (“carrier permit extensions must be on file for a period of at least thirty days before issuance, unless commission finds that special conditions require earlier issuance.”).

⁵⁵ WAC 480-15-305(1)(e)(requiring “a satisfactory safety rating in a safety review conducted by commission safety staff.”).

the Company corrects all conditions that led to cancellation, it may apply for reinstatement of its permit.

Penalties

60 “Regarding the penalty recommendation, Airus Movers corrected each violation and took steps to prevent future occurrences. The Company incurred repeat violations despite operating with a previously approved SMP and suspended penalties. As a result, Staff reaffirms its recommendation that the Commission assess a penalty of \$5,200 for repeat violations. Staff acknowledges that the Company was cooperative throughout the investigation and made progress since its initial safety investigation. Additionally, the Commission recently had imposed \$3,900 on Airus Movers because of repeat critical violations, bringing the total owed in Docket TV-240620 to \$5,200. Considering those factors, Staff recommends the Commission suspend the \$5,200 penalty in Docket TV-250448 for a period of two years, and then waive it, based on the following conditions:

1. Airus Movers satisfy the proposed conditions for extending its provisional period as stated above; and
2. The Company must not incur repeat critical violations during the suspension period.”⁵⁶

61 While placing conditions on permits can be an effective method to ensure compliance, we are not convinced that such conditions are appropriate here. The Company has made progress since the last investigation, and if Airus was still within its first grant of temporary authority, we would be inclined to agree with Staff’s assessment. But Airus has been in operation for three years.

62 The Company requests mitigation, claiming that the proposed \$5,200 penalty is burdensome.⁵⁷ We might tend to agree if the Company’s original reported revenue of \$64,836.81 was accurate.⁵⁸ However, Company has updated its filing to indicate a gross revenue of \$501,965.75.⁵⁹ First, the size of the change in reported revenue, even if found a good faith error, does not reflect well on the internal controls of the Company. Second, we do not find that a penalty of approximately 1% of the company’s gross revenue to be

⁵⁶ Evaluation at 3-4.

⁵⁷ Docket TV-250448, Request for Penalty Reduction and Payment Plan, at 1 (Jul 17, 2025) (“We are a small, family-owned business, and the current financial impact of the penalty in the amount of \$5,200 is extremely challenging for us”).

⁵⁸ TC-1 at 14,17.

⁵⁹ TC-1 at 14,17.

an unreasonable fine, especially given the pervasiveness of the noncompliance at issue here.⁶⁰ Repeat patterns of critical violations are not acceptable. As discussed above, several of the enforcement factors weigh towards a harsher enforcement action – the Company has continued to operate without adequate compliance programs in place.

63 Further suspension and mitigation of penalties are meant to ensure further compliance and given the decision to not extend the Company’s provisional authority, suspending or mitigating penalties would appear to serve no remedial compliance purpose here. As Judge Thompson said of Airus’ repeat conduct in Order 04 of Docket TV-240620:

This penalty mitigation was granted as an incentive for future compliance. Unfortunately, the Company incurred repeat safety violations upon reinspection. Thus, the incentive was ineffective. What’s more, there are no longer any conditions imposed upon which to incentivize compliance. As a result, the Commission declines to reduce the imposed penalty any further.⁶¹

64 Airus’ request for penalty reduction is denied.

65 Airus’ penalties are due and payable within 45 days of the issuance of this Order. Staff and Airus may agree to a payment plan and memorialize such agreement by filing it in this Docket.

FINDINGS AND CONCLUSIONS

- 66 (1) The Commission is an agency of the state of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.
- 67 (2) Airus Movers is a household goods carrier subject to Commission regulation.
- 68 (3) Airus Movers committed numerous violations of WAC 480-15 by failing to adhere to WAC 480-15-560 which adopted federal safety standards.
- 69 (4) Airus Movers committed multiple repeat violations of critical regulations. Airus Movers has failed to implement safety management controls. The second Safety Management Plan does not provide a sufficient basis to extend the Company’s

⁶⁰ Docket A-120061.

⁶¹ Order 04 of Docket TV-240620 at ¶ 17.

provisional authority so far past the timelines contemplated by applicable statutes and regulations. The absence of safety management controls for record keeping does not appear to be incidental, but systemic.

- 70 (5) We find issuing a temporary permit, for an additional 180 days beyond the years the Company has already had to come into compliance, is not appropriate here.
- 71 (6) A change in safety rating is not before the Commission in this matter so we make no change to Airus Movers' safety rating. We find Airus Movers' has not achieved a satisfactory safety rating in a safety review conducted by commission safety staff, within its provisional period. The carrier "has not completed the requirements for permanent authority," such that WAC 480-15-305(3) requires cancelation and dismissal of the application for permanent authority, unless good cause is found.
- 72 (7) Pursuant to WAC 480-15-305(1)(b), we do not find good cause to extend the Company's provisional authority for the reasons discussed in paragraphs 22 to 59.
- 73 (8) We find cancelation and dismissal of Company's permanent application is appropriate here.
- 74 (9) We find that several of the enforcement factors, primarily the state of the carrier's compliance systems, the apparent intentionality of their conduct, and the period of time they've had to come into compliance, all weigh in favor of harsher penalties. We find that the \$5,200 penalty is an appropriate penalty given the size of the Company's operations and the pervasiveness of the violations. We therefore find mitigation or suspension of penalties to be inappropriate here. Airus' \$5,200 penalty in this Docket is due and payable within 45 days of the issuance of this Order. Staff and Airus may agree to a payment plan and memorialize such agreement by filing it in this Docket.

ORDER

THE COMMISSION ORDERS THAT:

- 75 (1) The Commission disapproves Airus Movers LLC's safety management plan.
- 76 (2) Airus Movers LLC's provisional period is not extended.
- 77 (3) Airus Movers LLC's motion for mitigation is denied.

- 78 (4) Airus Movers LLC's authority is canceled, and its application for permanent authority denied.

Dated at Lacey, Washington, and effective August 14, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Bijan Hughes*
BIJAN HUGHES
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).