

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

PNW MOVING & DELIVERY LLC

For Compliance with WAC 480-15-530,  
WAC 480-15-550, WAC 480-15-555, WAC  
480-15-560, and RCW 81.80.075.

DOCKET TV-240169

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE  
PROCEEDING; SETTING TIME FOR  
ORAL STATEMENTS  
(Set for May 2, 2024, at 9:30 a.m.)

COMPLAINT FOR PENALTIES

1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its regulatory staff (Staff), alleges as follows:

**I. PARTIES**

2 The Commission is an agency of the state of Washington authorized by statute to regulate the rates, services, facilities, and practices of public service companies, including household goods carriers.

3 PNW Moving & Delivery LLC (PNW Moving or the Company) engages in business as a household goods carrier under Commission-issued provisional permit number THG-067549.

**II. BACKGROUND**

**2020 Compliance Investigation**

4 In May 2020, in Docket No. TV-200421, the Commission issued a Notice of Intent to Cancel and Notice of Brief Adjudicative Proceeding (Notice); Setting Time for Oral Statements in the Matter of the Investigation of PNW Moving and Delivery LLC for Compliance with Washington Administrative Code (WAC) 480-15.<sup>1</sup>

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<sup>1</sup> *In re Investigation of PNW Moving and Delivery LLC*, Docket TV-200421, Order 01, 1 ¶ 1 (June 24, 2020).

- 5 The Notice explained that, between March and May 2020, Staff reviewed the Company's compliance with the requirements of WAC 480-15, which incorporates federal regulations.<sup>2</sup> Staff's review resulted in a proposed unsatisfactory rating for the Company.<sup>3</sup>
- 6 In Docket No. TV 200419, the Commission issued a penalty assessment against the Company for \$7,800 as a result of the 169 violations Staff discovered during its review.<sup>4</sup>
- 7 In an order consolidating the two dockets, the Commission found that the Company committed 169 violations of WAC 480-15.<sup>5</sup> The Commission approved of the Company's safety management plan.<sup>6</sup> The Commission found that the Company cured the deficiencies that led to the proposed unsatisfactory safety rating and upgraded the safety rating to conditional.<sup>7</sup> The Company's provisional period was extended until such time as it achieves a satisfactory rating<sup>8</sup> and the Commission granted the Company's request for a mitigated penalty.<sup>9</sup>

### 2022 Compliance Investigation

- 8 In May 2022, in Docket No. TV-220133, the Commission issued a Notice of Intent to Cancel and Notice of Brief Adjudicative Proceeding (Notice); Settling Time for Oral Statements in the Matter of the Investigation of PNW Moving for compliance with WAC 480-15.<sup>10</sup>
- 9 The Notice explained that between January and February 2022 Staff reviewed the Company's compliance with WAC 480-15.<sup>11</sup> Staff documented 286 violations and the review resulted in conditional safety rating for the Company.<sup>12</sup>
- 10 In March 2022, in Docket No. TV-220134, the Commission issued a penalty assessment against the Company in the amount of \$25,600 as a result of the 286 violations discovered during the follow-up safety assessment.<sup>13</sup>
- 11 In an order consolidating the two dockets, the Commission found that the Company committed 286 violations of WAC 480-15 and federal regulation incorporated by this

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<sup>2</sup> *Id.* at 1 ¶ 2.

<sup>3</sup> *Id.* at 3 ¶ 12.

<sup>4</sup> *Id.* at 2 ¶ 3.

<sup>5</sup> *Id.* at 5 ¶ 22.

<sup>6</sup> *Id.* at 4 ¶ 13.

<sup>7</sup> *Id.* at 5 ¶ 23.

<sup>8</sup> *Id.* at 5 ¶ 24.

<sup>9</sup> *Id.* at 6 ¶ 31.

<sup>10</sup> *In re Investigation of PNW Moving and Delivery LLC*, Docket TV-220133, Order 01, 1 ¶ 1 (Apr. 22, 2022).

<sup>11</sup> *Id.* at 2 ¶ 4.

<sup>12</sup> *Id.* at 2 ¶ 5-7.

<sup>13</sup> *Id.* at 2 ¶ 7.

chapter of the WAC.<sup>14</sup> The Commission approved the Company's safety management plan.<sup>15</sup> The Commission allowed the Company to maintain its conditional safety rating and its provisional household goods carrier permit subject to the following conditions recommended by Staff:

1. PNW Moving sends all employees to Commission sponsored household goods training, either through the Commission's online learning system or the live virtual class provided by Staff, no later than June 15, 2022;
2. Staff conduct a follow-up safety investigation in one year from the date of an order or as soon thereafter as practicable;
3. PNW Moving must obtain a satisfactory safety rating following the investigation;
4. Upon reinspection, PNW Moving may not incur any repeat violations of acute, critical, or critical type regulations;
5. The Company must get current with any regulatory fees and penalties as a result of late annual report filings by June 30, 2022;
6. PNW Moving pays its assessed penalty through a mutually agreeable payment arrangement approved by Staff. The payments must be made by the specified dates in the payment arrangement, unless approved by Staff prior to the established deadline; and
7. Failing to meet any of these conditions would constitute grounds for cancellation of the Company's provisional permit.<sup>16</sup>

12 The Company's provisional period was extended until such time as it achieves a satisfactory rating<sup>17</sup> and the Commission granted the Company's request for a mitigated penalty.<sup>18</sup>

13 The Commission's records show that while the Company's owner registered for Commission-sponsored household goods training, the Company did not complete the training as required by the Commission.<sup>19</sup>

14 On March 8, 2024, Staff filed a letter which noted that the Company had missed five scheduled payments under its payment plan, and it had not made a payment since December

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<sup>14</sup> *Id.* at 10 ¶ 35.

<sup>15</sup> *Id.* at 8 ¶ 25.

<sup>16</sup> *Id.* at 10 ¶ 36. Paragraph 36 of Order 01 incorrectly cites to paragraph 18 as containing the conditions; however, the conditions recommended by Staff and adopted by the Commission are found in paragraph 19 of Order 01.

<sup>17</sup> *Id.* at 10 ¶ 37.

<sup>18</sup> *Id.* at 11 ¶ 43.

<sup>19</sup> Decl. of Tracy Cobile, 3 ¶ 11 (hereinafter Cobile Decl.).

19, 2023.<sup>20</sup> Staff's letter requested that the Commission cancel the payment arrangement and make the remaining balance of \$9,800 immediately due and payable.<sup>21</sup>

15 The Commission cancelled the payment arrangement and made the balance due and payable immediately on March 20, 2024.<sup>22</sup>

### 2023 Permit Cancellation

16 On April 20, 2023, in Docket No. TV-230262, the Commission cancelled the Company's provisional permit because the Company did not submit acceptable proof of insurance by the required deadline.<sup>23</sup>

17 On June 15, 2023, the Commission reinstated the Company's provisional permit in Docket No. TV-230279.<sup>24</sup> In this same docket, the Commission observed that the Company's permit had been cancelled a total of three times for failure to file active proof of insurance.<sup>25</sup>

### 2024 Compliance Investigation

18 In January 2024, Staff initiated a follow-up safety investigation of the Company.<sup>26</sup> During the investigation, Staff documented the following violations:

- Forty-five violations of RCW 81.80.075(1) for engaging in business as a household goods carrier in commerce without a valid permit issued by the Washington Utilities and Transportation Commission;
- One acute violation of WAC 480-15-550, with 129 occurrences identified, for operating a commercial motor vehicle without having adequate cargo insurance coverage. This was a repeat violation from the 2022 compliance investigation.
- One acute violation of WAC 480-15-530, with 129 occurrences identified, for operating a commercial motor vehicle without having in effect the required minimum levels of financial responsibility coverage;
- Eleven critical violations of WAC 480-15-555(1) for failure to complete a criminal background check for every person the carrier intends to hire. This is a repeat violation from the 2020 and 2022 compliance investigations;

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<sup>20</sup> *In re Investigation of PNW Moving and Delivery LLC*, Dockets TV-220133 & TV-220134 (Consolidated), Order 02, 1 ¶ 2 (Mar. 21, 2024).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 2 ¶ 4-5.

<sup>23</sup> See generally *PNW Moving and Delivery LLC*, Docket No. TV-230262, Cancellation of Provisional Household Goods Permit THG067549 Due to Insufficient Proof of Insurance (Apr. 20, 2023).

<sup>24</sup> See generally, *In re Petition of PNW Moving and Delivery LLC*, Docket No. TV-230279, Letter Reinstating Temporary Household Goods Permit (June 15, 2023).

<sup>25</sup> *In re Petition of PNW Moving and Delivery LLC*, Docket No. TV-230279, Order 01, 1 ¶ 1 (June 15, 2023).

<sup>26</sup> Cobile Decl., 1 ¶ 4.

- Sixty-one critical violations of 49 C.F.R. § 395.8(a)(1) for failure to require a driver to prepare record of duty status using the appropriate method. This is a repeat violation from 2020 and 2022 compliance investigations;
- One critical-type violation of 49 C.F.R. § 396.3(b) for failing to keep minimum records of inspection and vehicle maintenance. This a repeat violation from the 2022 compliance investigation;
- One violation of 49 C.F.R. § 390.15(b) for failing to maintain, for a period of three years after an accident occurs, an accident register;
- One violation of 49 C.F.R. § 390.19(b)(2) for failing to file the appropriate form under 49 C.F.R. § 390.19(a) every twenty-four months according to the schedule. This is a repeat violation from the 2022 compliance investigation;
- Three violations of 49 C.F.R. § 391.21(a) for using a driver who has not completed and furnished an employment application. This a repeat violation from the 2022 compliance investigation;
- Two violations of 49 C.F.R. § 391.23(a)(1) for failing to investigate a driver's motor vehicle record within thirty days of hire;
- Three violations of 49 C.F.R. § 391.23(a)(2) for failure to investigate a driver's performance history with Department of Transportation related employers during the preceding three years;
- Three violations of 49 C.F.R. § 391.51(b)(3) for failing to maintain a road test certificate in the driver's qualification file, or a copy of the license or certificate the motor carrier accepted as equivalent. This is a repeat violation from the 2022 compliance investigation;
- One violation of 49 C.F.R. § 391.51(b)(4) for failing to maintain the responses of each state agency to the annual driver record inquiry required by 49 C.F.R. § 391.25(a);
- Two violations of 49 C.F.R. § 391.51(b)(5) for failure to maintain a record of annual review in a driver's qualification file;
- Two violations of 49 C.F.R. § 392.16(b) for operating a property-carrying commercial motor vehicle with a passenger not property restrained by a seat belt; and
- Three violations of 49 C.F.R. § 396.9(d)(3) for failing to maintain a completed inspection form for twelve months from the date of inspection at the carrier's principal places of business or where the vehicle is housed.<sup>27</sup>

19 On March 11, 2024, Staff informed the Company that it received a proposed conditional safety rating as result of the safety investigation.<sup>28</sup>

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<sup>27</sup> Cobile Decl., 2-3 ¶¶ 7-9.

<sup>28</sup> Cobile Decl., 2 ¶ 10.

### III. JURISDICTION

20 The Commission has jurisdiction over the subject matter of this complaint under chapter 34.05 RCW, RCW 80.01.040, RCW 80.01.060, RCW 81.01.010, RCW 81.04.010, RCW 81.04.020, RCW 81.04.110, RCW 81.04.380, RCW 81.04.460, RCW 81.04.510, RCW 81.80.075, RCW 81.80.130, WAC 480-15-180, WAC 480-15-530, WAC 480-15-550, WAC 480-15-555, and WAC 480-15-560.

### IV. APPLICABLE LAW

21 The Commission regulates public service companies pursuant to a delegation of authority from the legislature. *See* RCW 80.01.040(2); RCW 81.01.010.

22 Household goods carriers are common carriers, RCW 81.04.010(11), and therefore public service companies. RCW 81.04.010(16).

23 State law defines the term “household goods carrier” to mean “a person who transports for compensation, by motor vehicle within this state, or who advertises, solicits, offers, or enters into an agreement to transport household goods as defined by the Commission.” RCW 81.80.010(5); *see* WAC 480-15-020, -180.

24 The Commission’s rules define household goods as “the personal effects and property used, or to be used, in a residence when transported or arranged to be transported between residences or between a residence and a storage facility with the intent to later transport to a residence or when referenced in connection with advertising, soliciting, offering, or entering into an agreement for such transportation. Transportation of the goods must be arranged and paid for by the customer or by another individual, company or organization on behalf of the customer.” WAC 480-15-010.

25 RCW 81.80.075(1) provides that no person shall engage in the business as a household good carrier without first obtaining a household goods carrier permit from the Commission. Under RCW 81.80.075(4), any person who engages in business as a household goods carrier in violation of subsection (1) is subject to a penalty of up to five thousand dollars per violation. In deciding the amount of penalty for such violations, the Commission must consider the carrier’s willingness to comply with the requirements of RCW 81.80.070 and the Commission’s rules under the chapter and the carrier’s history with respect to compliance with RCW 81.80.075. RCW 81.80.075(4)(b).

26 Before operating under a household goods permit, carriers must have public liability and property damage insurance covering every motor vehicle used in its operations. WAC 480-15-530(1). Carriers must maintain the required public liability and property damage insurance at all times for every motor vehicle used in Washington intrastate operations.

WAC 480-15-530(1). The Commission may suspend or cancel the permit of any carrier operating without proof of required insurance coverage. WAC 480-15-530(1)(c).

- 27 Carriers must have cargo insurance coverage at prescribed levels to protect all household goods transported under the permit. WAC 480-15-550(1). The Commission may suspend or cancel the permit of any carrier operating without required cargo insurance coverage. WAC 480-15-550(4).
- 28 Household goods carriers must complete a criminal background check for every person the carrier intends to hire. WAC 480-15-555(1). Carriers must retain evidence that they have performed the necessary backgrounds checks for as long as that person is employed for no less than three years after the date the employee ceases his or her employment by the carrier. WAC 480-15-555(2).
- 29 Under WAC 480-15-560, household goods carriers must ensure that all vehicles and drivers used to provide household goods comply with all federal, state, and local laws and rules, and Commission orders, governing licensing, vehicle safety, and driver safety. Carriers must also comply with parts of Title 49 Code of Federal Regulations (C.F.R.) that are incorporated into the Commission's rules by reference. WAC 480-15-560.
- 30 Federal law incorporated into the Commission's rules prohibits motor carriers from operating beginning the 61st day after the date of the notice of a proposed unsatisfactory safety rating. 49 C.F.R. 385.13(a)(2).
- 31 A carrier may request a change in its proposed safety rating based on evidence that it has taken corrective action to address the identified violations and that its operations currently meet the safety standard specified in 49 C.F.R. §§ 385.5 and 385.7.
- 32 The Commission may file a complaint upon its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the Commission. RCW 81.04.110.
- 33 A public service company that violates or fails to comply with any provision of Title 81 RCW, "or which fails, omits, or neglects to obey, observe, or comply with any order, rule, or any direction, demand or requirement of the commission" is subject to a penalty of up \$1,000 for each "offense." RCW 81.04.380.

#### **IV. NOTICE OF INTENT TO CANCEL HOUSEHOLD GOODS CARRIER PERMIT**

- 34 The Company must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than May 10, 2024. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier

permit effective May 11, 2024. The Company would thereafter be prohibited from engaging in the business of a household goods carrier.

35 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of PNW Moving & Delivery LLC to provide services as a household goods carrier effective May 11, 2024, 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.**

#### V. NOTICE OF BRIEF ADJUDICATIVE PROCEEDING

36 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 the Company's household goods carrier permit.

37 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 9:30 a.m., on May 2, 2024.** To attend the hearing by telephone, please call (253) 215-8782 and enter the Meeting ID: 839 1968 8582# and Passcode: 693611#. To attend via Zoom, please use the following link: [Click to Join Meeting](#).

38 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.

39 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.

40 **PNW Moving & Delivery must submit its proposed safety management plan no later than 5:00 p.m. on April 18, 2024.** 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 5:00 p.m. on April 25, 2024**, and bring an original and three (3) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140 and -145.

41 **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.**

#### VI. FIRST CAUSE OF ACTION



42 The Commission re-alleges paragraphs 2 through 33, above.

43 The Commission alleges that PNW Moving violated RCW 81.80.075(1) on 45 occasions by engaging in business as a household goods carrier without a valid permit issued by the Commission.

#### **VII. SECOND CAUSE OF ACTION**

44 The Commission re-alleges paragraphs 2 through 33, above.

45 The Commission alleges that PNW Moving violated WAC 480-15-530 on 129 occasions by operating a motor vehicle in intrastate operations without the required public liability and property damage insurance.

#### **VIII. THIRD CAUSE OF ACTION**

46 The Commission re-alleges paragraphs 2 through 33, above.

47 The Commission alleges that PNW Moving violated WAC 480-15-550 on 129 occasions by operating without cargo insurance at required levels.

#### **IX. FOURTH CAUSE OF ACTION**

48 The Commission re-alleges paragraphs 2 through 33, above.

49 The Commission alleges that PNW Moving violated WAC 480-15-555 on 11 occasions by failing to perform criminal backgrounds checks on intended employees.

#### **X. FIFTH CAUSE OF ACTION**

50 The Commission re-alleges paragraphs 2 through 33, above.

51 The Commission alleges that PNW Moving violated the safety rules codified in WAC 480-15-560 83 times by violating the federal regulations found in 49 C.F.R. Parts 390, 391, 392, 395, and 396 incorporated into those rules.

#### **XI. SIXTH CAUSE OF ACTION**

52 The Commission re-alleges paragraphs 2 through 33, above.

- 53 The Commission alleges that PNW Moving failed to abide by the following conditions imposed by the Commission in Order 01 in Docket No. TV-220133 & TV-220134, (Consolidated):
- PNW Moving failed to send all employees to Commission sponsored household goods training by June 15, 2022;
  - PNW Moving failed to obtain a satisfactory rating following the investigation;
  - PNW Moving incurred repeat acute, critical, or critical-type violations; and
  - PNW Moving failed to pay its assessed penalty in accordance with the mutually agreed upon payment arrangement approved by Staff by failing to make payments by the dates specified in the arrangement.

## XII. REQUEST FOR RELIEF

- 54 Staff requests that the Commission, pursuant to its authority under RCW 81.80.075(4), assess penalties of up to \$5000 for each violation of RCW 81.80.075.
- 55 Staff requests that the Commission, pursuant to its authority under RCW 81.04.380, assess penalties of up to \$1,000 for each violation of WAC 480-15-530, WAC 480-15-550, WAC 480-15-555, and WAC 480-15-560.
- 56 Staff further requests that the Commission order such other or further relief as is appropriate under the circumstances.

## XIII. PROBABLE CAUSE

- 57 Based on a review of the declaration of Tracy Coble, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this complaint.
- 58 **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.
- 59 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and  
Transportation Commission  
621 Woodland Square Loop SE  
Lacey, WA 98503

Representative: Cassandra Jones

Assistant Attorney General  
PO Box 40128  
Olympia, WA 98504  
(360) 890-0480  
cassandra.jones@atg.wa.gov

Respondent: PNW Moving & Delivery LLC  
Dmitriy Satir  
708 133<sup>rd</sup> Street South  
Tacoma, WA 98444  
(253) 579-7122  
dmitriysatir@gmail.com

60 Administrative Law Judge Connor Thompson, from the Commission's Administrative Law Division, will preside during this proceeding.<sup>29</sup>

DATED at Lacey, Washington and effective April 9, 2024.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

Jeff Killip  
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

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<sup>29</sup> Judge Thompson can be reached at (360) 664-1346 or connor.thompson@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 or 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 Stacey Brewster, paralegal, at [stacey.brewster@utc.wa.gov](mailto:stacey.brewster@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: \_\_\_\_\_