

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

WE LIKE TO MOVE IT, MOVE IT!! LLC

For a Permit to Operate as a Motor Carrier
of Household Goods

DOCKET TV- 170176

NOTICE OF INTENT TO CANCEL
PERMIT AS A HOUSEHOLD GOODS
CARRIER AND DISMISS APPLICATION
FOR PERMANENT AUTHORITY

AND

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS

(Set for 1:30 p.m., June 11, 2019)

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

I. PARTIES

- 2 The Commission is an agency of Washington state authorized by state law to regulate the rates, services, facilities, and practices of public service companies, including motor freight carriers and household goods carriers, under the provisions of Title 81 of the Revised Code of Washington (RCW). Pursuant to RCW 81.80.130, the Commission regulates the safe operation of motor freight carriers, including household goods carriers.
- 3 We Like to Move It, Move It!! LLC (Company) is a household goods carrier subject to Commission regulation.

II. BACKGROUND

- 4 The Commission has information from which it believes and therefore alleges that the Company failed to comply with the Commission's licensing requirements, namely, Washington Administrative Code (WAC) 480-15-305, which requires all applicants seeking to become household goods carriers to "attend a commission-sponsored household goods training class."

5 WAC 480-15-450(1) provides that the Commission may cancel a carrier's permit for good cause. A carrier's failure to comply with applicable laws and Commission rules constitutes good cause for canceling a carrier's permit.¹ Under WAC 480-15-305, when a carrier fails to complete the requirements for obtaining permanent authority within 18 months of the issuance of a provisional permit, the Commission may cancel the carrier's provisional permit and dismiss the application for permanent authority, absent a showing of good cause to extend the provisional permit.²

6 **FACTUAL BACKGROUND.** On March 15, 2017, the Company, through its owner Joshua Manion, filed a Household Goods Moving Company Permit Application (Permit Application) with the Commission in Docket TV-170176, requesting both provisional and permanent authority to provide residential household goods transportation services in Washington state pursuant to WAC Title 480 Chapter 15. The Permit Application included a "Declaration of Applicant," executed by Mr. Manion, which states:

I understand that if the commission grants my application as a new entrant I will receive temporary authority to provide service as a household goods carrier on a provisional basis for at least six months. During this time, the commission will evaluate whether I have met the criteria in WAC 480-15-305 to obtain permanent authority. I also understand that I must comply with all conditions placed on my temporary permit and that failure to do so will result in cancellation of my permit.

7 On May 3, 2017, the Commission sent a letter with several attachments to the Company, provisionally granting the Permit Application. The subject of the letter was "TV-170176 – Granting Temporary Household Goods Authority, Subject to Conditions, Pending Decision on Permanent Authority." The letter explained that the Company must satisfy certain requirements to qualify for permanent authority, including the following:

Personnel responsible for company management and operations must attend a Commission-sponsored training class to learn about the consumer protection rules, safety regulations, and industry-wide tariff provisions that apply to your business. You must sign up for training on the commission's website at www.utc.wa.gov/hhgtraining. Click on the 'Online Registration Form' and complete the required fields.

¹ WAC 480-15-450(1)(e).

² WAC 480-15-305(3).

The May 3, 2017, letter attached a copy of the Company's provisional permit, which itself notified the Company that:

The authority in this permit is temporary to allow We Like to Move It, Move It!! LLC an opportunity to provide service as a household goods carrier on a provisional basis for six months during which time the commission will evaluate whether the applicant has met the criteria for obtaining permanent authority under the provisions of WAC 480-15-305.

The authority granted in this permit is only effective while the applicant complies with the terms and conditions stated in its temporary approval letter and only until such time as the commission grants, denies, or, dismisses the application for permanent authority in Application TV-170176, or otherwise cancels the authority granted.

The May 3, 2017 letter also attached a copy of WAC 480-15, the rules governing household goods carriers.

- 8 On July 5, 2017, the Commission notified the Company that it was cancelling its provisional permit and dismissing its Permit Application due to the Company's failure to submit acceptable proof of insurance by the required deadline.³ The Company applied for reinstatement on August 9, 2017, after supplying the required insurance information.⁴ The Commission granted reinstatement and sent the Company its reinstated provisional permit on August 25, 2017.⁵ The reinstated provisional permit and its accompanying cover letter conveyed the same or substantially the same language as the May 3, 2017, correspondence. In particular, they included notice to the Company of its obligation to fulfill certain requirements to obtain permanent authority as set forth in WAC 480-15-305.
- 9 On October 23, 2018, the Commission sent the Company a letter again reminding it of the training requirement under WAC 480-15-305(3), including the following warning:

Our records indicate no one from your company has attended the required commission-sponsored household good carrier training class. This is a requirement to achieve permanent authority.

The commission will not issue permanent authority if this requirement is not met. Further, failing to attend the required training may result in

³ See Docket TV-170784..

⁴ See Docket TV-170882.

⁵ See Docket TV-170882.

the commission cancelling the company's provisional operating authority.

The October 23, 2018, letter further provided dates and registration instructions for upcoming trainings and contact information for a Commission employee who was made available to assist the Company with enrollment information.

- 10 On February 21, 2019, Wayne Gilbert, an investigator with the Commission's Motor Carrier Safety division, spoke with Mr. Manion, reminding him of the training requirement and telling him that he needed to enroll in the April 2019 household goods carrier training class.
- 11 Staff has verified that no employees of the Company have attended the household goods carrier training to date.

III. JURISDICTION

- 12 The Commission has jurisdiction over the subject matter of this proceeding under RCW 80.01.040, RCW 80.01.060, RCW 81.01.010, RCW 81.04.020, RCW 81.04.110, RCW 81.04.160, RCW 81.04.380, RCW 81.04.460, chapter 81.80 RCW, chapter 81.80 RCW, and chapter 34.05 RCW.

IV. APPLICABLE LAWS AND REGULATIONS

- 13 Household goods carriers and motor freight carriers are common carriers.⁶ For the purposes of Title 81 RCW, every common carrier is a public service company under RCW 81.04.010, and therefore subject to Commission regulation.⁷
- 14 The Commission may adopt rules regarding the services provided by public service companies that are subject to its regulation.⁸
- 15 Under WAC 480-15-450(1)(e), the Commission has the authority to cancel a household goods permit for good cause, which includes failure to comply with applicable laws and Commission rules pertaining to the operation of household goods carriers. This provision necessarily includes household goods carrier application and licensing requirements.

⁶ RCW 81.04.010(11).

⁷ See RCW 80.01.040(2); RCW 81.01.010.

⁸ RCW 81.04.160.

- 16 WAC 480-15-305 provides the Commission's requirements for obtaining a grant of permanent authority to provide household goods carrier services in Washington state. One requirement is that the "applicant has attended a commission-sponsored household goods carrier training class."⁹
- 17 Under WAC 480-15-305(3), when a carrier fails to complete the requirements for obtaining permanent authority within 18 months of the issuance of a provisional permit, the Commission will cancel the carrier's provisional permit and dismiss the application for permanent authority absent a showing of good cause to extend.

V. REQUEST FOR RELIEF

- 18 Staff requests that the Commission cancel the Company's provisional permit and dismiss its application for permanent authority pursuant to its authority under WAC 480-15-450 and WAC 480-15-305.
- 19 Staff also requests that the Commission order such other or additional relief as is appropriate under the circumstances.

VI. NOTICE OF INTENT TO CANCEL PROVISIONAL PERMIT AND DISMISS APPLICATION FOR PERMANENT AUTHORITY

- 20 WAC 480-15-450(1) provides that the Commission may cancel a household goods carrier permit for cause. Pursuant to WAC 480-15-450(2), the Commission will hold a hearing prior to cancelling a household goods carrier permit. Staff recommends that the Commission cancel the Company's provisional permit and operating authority for cause due to the Company's ongoing failure to comply with applicable laws and Commission rules pertaining to operations of household goods carriers. Staff further recommends that the Commission dismiss the Company's application for permanent authority pursuant to WAC 480-15-305.

- 21 **THE COMMISSION GIVES NOTICE: That it intends to cancel the Company's provisional permit and authority to provide services as a household goods carrier for cause, following a hearing on the factual allegations set out above. The Commission further intends to dismiss the Company's application for permanent authority.**

VII. ORDER AND NOTICE OF BRIEF ADJUDICATIVE PROCEEDING

- 22 The Commission determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel the Company's provisional household goods carrier permit.

⁹ WAC 480-15-305(1)(c).

- 23 **THE COMMISSION GIVES NOTICE: That it will conduct a brief adjudicative proceeding in these matters at 1:30 p.m., on June 11, 2019, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 24 **THE COMMISSION ORDERS: The Company to appear before the Commission in this proceeding on June 11, 2019, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, to give testimony and evidence under oath.**
- 25 The record in this case will consist of any documents regarding the matters 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.
- 26 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 at its offices in Olympia, Washington copies of documents in the current record for use by the parties or others who may want to review them.
- 27 **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.**
- 28 The names and mailing addresses of all parties and their known representatives are shown as follows:

Carrier: We Like to Move It, Move It!! LLC
Joshua Manion, Owner
16825 48th Ave. W., Suite 105
Lynnwood, WA 98037
welikemoveitmoveit3@gmail.com
JoshManion99@gmail.com

Representative: Unknown

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Daniel J. Teimouri
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1189
daniel.teimouri@utc.wa.gov

29 Administrative Law Judge Andrew J. O'Connell, from the Commission's Administrative Law Division, will preside during this proceeding.¹⁰

DATED at Olympia, Washington and effective May 31, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Judge
Director, Administrative Law Division

¹⁰ Judge O'Connell may be reached at (360) 664-1285 or andrew.j.oconnell@utc.wa.gov.

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Mark L. Johnson, 1300 S. Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250. (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: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____)_____