

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of  
  
WHIDBEY LOGISTICS, LLC  
  
For Compliance with WAC 480-15-560  
and WAC 480-15-570

DOCKET TV-190112  
  
ORDER 01  
  
APPROVING SAFETY  
MANAGEMENT PLAN;  
UPGRADING SAFETY RATING  
TO CONDITIONAL

**BACKGROUND**

- 1 On February 27, 2019, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements in the Matter of the Investigation of Whidbey Logistics, LLC, (Whidbey Logistics or Company) for Compliance with Washington Administrative Code (WAC) 480-15-560 and WAC 480-15-570 (Notice).
- 2 The Notice explained that, based on Commission staff’s (Staff) February 2019 compliance review of Whidbey Logistics’ operations, Staff recommends that the Commission cancel the Company’s household goods carrier permit unless the Company obtains Commission approval of a safety management plan no later than April 23, 2019. The Commission directed Whidbey Logistics to file a proposed safety management plan by April 2, 2019. The Commission also set a brief adjudicative proceeding for April 11, 2019, at 1:30 p.m. to determine whether the Commission should cancel Whidbey Logistics’ household goods carrier permit.
- 3 On April 3, 2019, Whidbey Logistics submitted a proposed safety management plan.
- 4 On April 9, 2019, 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. Staff thus recommends that the Commission upgrade the Company’s safety rating to conditional and allow it to maintain its certificate. That same day, Staff filed a letter requesting the Commission cancel the brief adjudicative proceeding and decide this matter on a paper record.

**Pursuant to RCW 80.01.060(3)  
This packet is the final  
Order in this docket.**

5 On April 9, 2019, the Commission issued a notice canceling the April 11, 2019, hearing and informing the parties that the Commission would enter an order based on the parties' written submissions.

### **DISCUSSION AND DECISION**

6 Washington Law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's February 2019 compliance review of Whidbey Logistics found 117 violations of acute and critical safety regulations, which resulted in a proposed unsatisfactory safety rating.

7 On April 3, 2019, the Company submitted its proposed safety management plan and requested the Commission upgrade its safety rating. Staff determined that Whidbey Logistics' safety management plan addresses each violation, identified how each violation occurred, describes the steps taken to correct each violation, and describes the controls put in place to ensure compliance going forward. Staff concludes that Whidbey Logistics' safety management plan is acceptable and satisfies the legal requirements of 49 CFR Part 385. We agree.

8 Based on Staff's Evaluation, the Commission finds that the Company has achieved compliance with WAC 480-15-180, WAC 480-15-560, and WAC-480-15-570 by correcting the violations that led to the proposed unsatisfactory safety rating. Accordingly, the Commission agrees with Staff's recommendation and grants the Company's request to upgrade its safety rating to conditional.

### **FINDINGS AND CONCLUSIONS**

9 (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.

10 (2) Whidbey Logistics is a household goods carrier subject to Commission regulation.

11 (3) Whidbey Logistics committed 117 violations of WAC 480-15.

(4) Whidbey Logistics cured the deficiencies that led to the proposed unsatisfactory safety rating. Accordingly, Whidbey Logistics' safety rating should be upgraded

to conditional, and the Company should be allowed to maintain its household goods carrier permit.

**ORDER**

THE COMMISSION ORDERS THAT:

- 12 (1) The Commission approves Whidbey Logistics, LLC's safety management plan.
- 13 (2) Whidbey Logistics, LLC's safety rating is upgraded to conditional.

DATED at Olympia, Washington, and effective April 10, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
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).