

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of
SAFE-TO-GO-MOVERS, LLC
For Compliance with WAC 480-15-560 and
WAC 480-15-570

DOCKETS TV-190514 and
TV-190515 (*Consolidated*)

COMMISSION STAFF'S MOTION
TO IMPOSE SUSPENDED PENALTY

In the Matter of the Penalty Assessment
Against
SAFE-TO-GO-MOVERS, LLC
In the Amount of \$8,600

I. INTRODUCTION

1 In Dockets TV-190514 and TV-190515 the Commission imposed a penalty on Safe-To-Go-Movers, LLC (Safe-To-Go) for violations of the Commission's household goods carrier safety rules, but suspended a portion of that penalty on the company's compliance with several conditions. One of these conditions required Safe-To-Go to refrain from incurring repeat critical or acute violations in a follow up review performed by the Commission's regulatory staff (Staff). Staff has performed that review and discovered repeat critical and acute violations. The Commission, consequently, should impose the suspended penalty.

II. RELIEF REQUESTED

2 Staff respectfully requests that the Commission order Safe-To-Go to pay the \$5,000 penalty that the Commission imposed, but then suspended, in Dockets TV-190514 and TV-190515.

III. STATEMENT OF FACTS

3 In August 2019, the Commission entered Order 01 in Dockets TV-190514 and TV-
190515.¹ In it, the Commission imposed a penalty of \$8,600 on Safe-To-Go for violations of
federal regulations incorporated into Washington law through WAC 480-15-560 and -570.²
Specifically, the Commission found that Safe-To-Go committed, among others, 42
violations of 49 C.F.R. § 391.15(a) for allowing a disqualified driver to operate a
commercial motor vehicle (an acute violation) and one violation of 49 C.F.R. § 391.45(a) (a
critical violation).³

4 The Commission, however, suspended \$5,000 of the penalty it imposed, conditioned
on Safe-To-Go's compliance with several conditions.⁴ One of those conditions required
Safe-To-Go to refrain from incurring repeat acute or critical violations in a follow-up
review.⁵

5 In February and March 2020, Staff performed the follow-up review ordered by the
Commission in Order 01.⁶ In the course of that review, Staff determined that, among other
things, Safe-To-Go allowed a disqualified driver to operate a commercial motor vehicle in
violation of 49 C.F.R. § 391.15(a), and also allowed a driver not medically examined and
certified to operate a commercial motor vehicle in violation of 49 C.F.R. § 391.45(a).⁷

¹ See generally *in re the Investigation of Safe To Go Movers, LLC*, Dockets TV-190515 & TV-190514, Order 01 (Aug. 12, 2019).

² *Id.* at 6 ¶¶ 23, 26.

³ *Id.* at 2 ¶ 3, 4-5 ¶¶ 14-15, 6 ¶ 21.

⁴ *Id.* at 5 ¶ 17, 6 ¶ 26.

⁵ *Id.* at 5 ¶ 17.

⁶ *Wash. Utils. & Transp. Comm'n v. Safe To Go Movers, LLC*, Docket TV-200161, Order 01, 2 ¶ 7 (Mar. 26, 2020).

⁷ *Id.* at 3 ¶¶ 10-11.

IV. STATEMENT OF ISSUES

6 Should the Commission order Safe-To-Go to pay the \$5,000 portion of the penalty
the Commission imposed on the company, but then suspended, in Dockets TV190514 and
TV-190515?

V. EVIDENCE RELIED UPON

7 Staff relies on the record in Dockets TV-190514, TV-190515, and TV-200161.

VI. ARGUMENT

8 In Order 01 in these Dockets, the Commission “suspend[ed] a \$5,000 portion of the
penalty” it imposed “for a period of two years, and then waive[d] it, subject to” several
conditions.⁸ One of these conditions required Safe-To-Go to “not incur any repeat acute or
critical violations of WAC 480-15 upon re-inspection.”⁹ Safe-To-Go incurred repeat acute
and critical violations during its re-inspection: the company used a driver disqualified by the
suspension of his license and also a driver not medically examined or certified. The
Commission should, accordingly, find that Safe-To-Go violated the terms of the penalty
suspension and order the company to pay the suspended portion of the penalty imposed in
Dockets TV-190514 and TV-190515.

VII. CONCLUSION

9 Staff requests that the Commission grant its motion and order Safe-To-Go to pay the
\$5,000 portion of the penalty imposed but suspended in Dockets TV-190514 and TV-
190515.

⁸ *In re the Investigation of Safe To Go Movers, LLC*, Dockets TV-190514 & TV-190515, Order 01, 5-6 ¶¶ 17, 26.

⁹ *Id.*

DATED this 27th day of March 2020.

Respectfully submitted,

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