

AMENDATORY SECTION (Amending Docket TV-070466, General Order R-547, filed 12/27/07, effective 1/27/08)

WAC 480-15-185 Types of household goods permits. ((The commission may issue any of the following types of permits:

(1) **Emergency temporary authority** for a period of thirty days or less when there is an urgent need for service and time or circumstances do not reasonably allow filing and processing an application for temporary authority.

(2) **Temporary authority** for up to one hundred eighty days to meet a short-term public need or until the commission makes a decision on the pending application for permanent authority. The applicant must be fit, willing and able and the proposed service must be in the public interest.

(3) **Permanent authority** has no expiration date or renewal requirement when the applicant is fit, willing and able to provide service and meets the current or future public convenience and necessity standards.)) There are two types of household goods permits.

(1) Provisional permit: An applicant must complete a household goods moving company permit application to receive a provisional permit. A provisional permit lasts for a period of not less than six months. In determining whether to grant provisional authority, the commission will consider the criteria outlined in WAC 480-15-302.

(2) Permanent permit: Once the applicant has held a provisional permit for at least six months, the commission will consider whether to grant the applicant a permanent permit. A permanent permit has no expiration date. The applicant does not need to file a second application for permanent authority. In determining whether to grant permanent authority, the commission will consider the criteria outlined in WAC 480-15-305.

NEW SECTION

WAC 480-15-186 Application required. An applicant must complete a household goods moving company permit application and meet the criteria for a provisional permit and, after the six-month period has passed, a permanent permit, as described in WAC 480-15-185, to be eligible for any of the following:

(1) New authority to operate as a household goods carrier.

(2) Transfer of existing authority, except as described in WAC 480-15-187. If the holder of a permit wishes to transfer the

permit, the person or entity receiving the permit must file an application as described in this section. For the purposes of this section and WAC 480-15-187, the person or entity receiving the permit is the applicant.

(3) Acquisition of control of existing authority.

(4) Additional authority for an existing household goods permit.

NEW SECTION

WAC 480-15-187 Transfer of an existing permit. (1) If the holder of a permit wishes to transfer the permit, the person or entity receiving the permit must file an application as described in this section. For the purposes of WAC 480-15-186 and this section, the person or entity receiving the permit is the applicant.

(2) The commission will grant an application to transfer existing permanent authority, or acquire control of existing permanent authority, without requiring a provisional permit, public notice, or comment if the applicant is fit, willing, and able to provide service and the applicant has filed to transfer or acquire control of permanent authority for any one of the following reasons:

(a) A partnership has dissolved due to the death, bankruptcy or withdrawal of a partner and that partner's interest is being transferred to a spouse or to one or more remaining partners.

(b) A shareholder in a corporation has died and that shareholder's interest is being transferred to a surviving spouse or one or more surviving shareholders.

(c) A sole proprietor has died, the sole proprietor devised or bequeathed the company by will, and the applicant is seeking transfer of the permit in accordance with the bequest or devise set forth in the will.

(d) An individual has incorporated and the same individual remains the majority shareholder.

(e) An individual has added a partner but the same individual remains the majority partner.

(f) A corporation has dissolved and the interest is being transferred to the majority shareholder.

(g) A partnership has dissolved and the interest is being transferred to the majority partner.

(h) A partnership has incorporated, and the partners are the majority shareholders.

(i) Ownership is being transferred from one corporation to another corporation when both are wholly owned by the same shareholders.

(2) The commission will grant an application for permanent authority without requiring a provisional permit after the application has been published on the application docket subject to

comment for thirty days if the applicant is fit, willing, and able to provide service, the applicant has filed to transfer or acquire control of permanent authority, and all of the following conditions exist:

(a) Ownership or control of a permit is being transferred to any shareholder, partner, family member, employee, or other person familiar with the company's operations and the household goods moving services provided.

(b) The permit has been actively used by the current owner to provide household goods moving services during the twelve-month period prior to the application.

(c) The application includes a certified statement from the applicant and the current owner explaining why the transfer of ownership or control is necessary to ensure the company's economic viability.

(d) The application includes a certified statement from the applicant and the current owner describing the steps taken by the parties to ensure that safe operations and continuity of service to customers is maintained.

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WAC 480-15-190 Service territory. Household goods permits authorize statewide operations unless:

(1) ~~((You))~~ An applicant elects to limit ~~((your))~~ the service territory to specific counties; or

(2) The commission, by order, limits ~~((your))~~ an applicant's service territory.

AMENDATORY SECTION (Amending Docket TV-070466, General Order R-547, filed 12/27/07, effective 1/27/08)

WAC 480-15-230 Application fees. Application fees are:

| Type of Permit Application: | Fee: |
|--|-----------------------|
| ((Emergency temporary authority | \$50.00 |
| Temporary authority | \$250.00)) |
| <u>Provisional and permanent authority. The fee for provisional, and then permanent, authority is a one-time fee</u> | \$550.00 |
| Transfer or acquisition of authority under WAC ((480-15-335)) <u>480-15-186 and 480-15-187</u> | \$250.00 |

| | |
|--|----------|
| Type of Permit Application: | Fee: |
| Permit reinstatement ((f)) under ((provisions of)) WAC 480-15-450 ((g)) | \$250.00 |
| Name change only | \$35.00 |

**Part 2.2 - ~~((Emergency Temporary and Temporary Authority))~~
Permanent Authority**

NEW SECTION

WAC 480-15-302 Provisional authority. The commission will grant provisional authority to any applicant that meets the following criteria:

(1) The applicant has properly completed the household goods moving company permit application.

(2) The application does not contain any indication of fraud, misrepresentation, or erroneous information.

(3) The applicant has provided a copy of a valid Washington state driver's license for each person named in the application associated with the proposed moving company.

(4) The applicant has provided evidence that the applicant possesses sufficient financial resources to operate a moving company. The commission will accept as evidence the completed financial statement form included in the household goods moving company permit application or the alternative documents listed on the financial statement form.

(5) The applicant has met the liability and cargo insurance requirements of WAC 480-15-530 and 480-15-550.

(6) The applicant has provided evidence of compliance with state tax, labor, employment, business, and vehicle licensing laws and rules. The commission will accept valid account numbers that staff can verify, showing the applicant has established accounts with other state agencies, as evidence.

(7) The applicant has provided evidence of its enrollment in a drug and alcohol testing program, or evidence that it has in place its own drug and alcohol testing program, if required by WAC 480-15-570. The commission will accept proof of enrollment in a program, or a detailed description of the applicant's own program, as evidence.

(8) Commission staff has completed a criminal background check on each person named in the application associated with the proposed moving company. The commission will not grant provisional authority if any named person has, within the past five years, been

convicted of any crime involving theft, burglary, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance.

(9) The applicant owns or leases the equipment necessary to provide household goods moving services.

(10) The commission has not denied a household goods moving company permit application within the previous six months filed by the same applicant or by any other person named on the application.

(11) The commission has not canceled, for cause, a permit held by the applicant, or by any other person named on the application, within the previous one year.

(12) The applicant has filed with the application at least three completed statements of support for the proposed service.

(13) No other circumstances exist that cause the commission to deny the application.

NEW SECTION

WAC 480-15-305 Permanent authority. The commission will grant permanent authority to any applicant that meets the following criteria:

(1) The applicant has met all of the criteria required for a provisional permit as described in WAC 480-15-302.

(2) The applicant has completed a provisional period of not less than six months.

(3) The applicant has attended a commission-sponsored household goods carrier training class.

(4) The applicant has provided commission staff with evidence that the applicant has completed a criminal background check on each person it employs or intends to employ that will have contact with a customer or a customer's residence. The commission will not grant permanent authority if any employee has, within the past five years, been convicted of any crime involving theft, burglary, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance.

(5) The applicant has received a satisfactory safety rating in a safety review conducted by commission safety staff.

(6) The applicant has no outstanding commission-issued monetary penalties.

(7) The applicant has paid all outstanding fees or other amounts due to the commission.

(8) The applicant has met all other commission regulatory requirements, including any requirements set by statute, rule, tariff, or order.

(9) The applicant has no unresolved consumer complaints on file with the commission.

(10) No other circumstances exist that cause the commission to deny permanent authority.

Part 2.3 - (~~(Permanent Authority)~~) Using the Permit

AMENDATORY SECTION (Amending Docket TV-070466, General Order R-547, filed 12/27/07, effective 1/27/08)

WAC 480-15-340 Commenting on an application for permanent authority. (1) The commission publishes applications for permanent authority in the application docket that it mails to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone having an interest in an application appearing on the docket may file written comments within thirty days following publication, unless the application is published in conjunction with a grant of (~~(temporary)~~) provisional authority. If the permanent authority application is published in conjunction with a grant of (~~(temporary)~~) provisional authority, then comments will be accepted for one hundred eighty days or the full term of the (~~(temporary)~~) provisional permit.

(3) Comments may either support or protest the application. Comments must include the commenter's full name, address, telephone number, e-mail address, fax number, and permit number, if available. Comments must be signed and indicate the place and date when they were signed. Comments must indicate support for, or protest of, the permanent authority for any one or more of the following reasons:

- (a) Fitness.
- (b) Public interest.
- (c) Levels of service.
- (d) Business practices.
- (e) Safety.
- (f) Operation of equipment.
- (g) Current or future public need for service.

(4) A comment protesting an application will not, on its own, cause the commission to set the matter for a hearing.

Part 2.4 - (~~(Using the Permit)~~) Suspended and Canceled Permits

REPEALER

The following sections of the Washington Administrative Code are repealed:

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| WAC 480-15-270 | Emergency temporary authority. |
| WAC 480-15-280 | Temporary authority. |
| WAC 480-15-285 | Rejecting or denying an application for temporary authority. |
| WAC 480-15-290 | Granting temporary authority. |
| WAC 480-15-310 | Commenting on actions regarding temporary authority. |
| WAC 480-15-320 | Canceling a temporary permit. |
| WAC 480-15-330 | Permanent authority. |
| WAC 480-15-335 | Exceptions to permanent authority application process. |