

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

San Juan Moving Company

For Compliance with WAC 480-15-560
and WAC 480-15-555

DOCKET TV-240545

NOTICE OF INTENT TO CANCEL
PERMIT AS A HOUSEHOLD
GOODS CARRIER

NOTICE OF BRIEF
ADJUDICATIVE PROCEEDING;
SETTING TIME FOR ORAL
STATEMENTS

**(Set for September 4, 2024, at 9:30
a.m.)**

- 1 Pursuant to RCW 81.80.130, the Washington Utilities and Transportation Commission (Commission) has authority to regulate common carriers, including household goods carriers, with respect to safety of operations. WAC 480-15-450 provides that the Commission may cancel a household goods carrier's permit and operating authority for good cause, including when the carrier fails to comply with safety requirements.
- 2 Commission staff (Staff) recommends that the Commission cancel the permit of San Juan Moving Company (San Juan) for good cause due to the Company's failure to comply with applicable laws and Commission rules pertaining to the operation of household goods carriers, including safety requirements set in law or rule.
- 3 WAC 480-15-999 adopts by reference Title 49 of the Code of Federal Regulations (C.F.R.) pertaining to safety requirements for household goods carriers. WAC 480-15-560 specifically requires carriers to comply with 49 C.F.R. Part 385, and 49 C.F.R. § 385.13 prohibits motor carriers from operating beginning on the 61st day after the date of a notice of proposed unsatisfactory rating. Pursuant to 49 C.F.R. § 385.17, a carrier that receives a proposed unsatisfactory or conditional safety rating may request a change in its safety rating based on evidence that the company has taken corrective actions to address the identified violations and that the company's operations currently meet the safety fitness standards.
- 4 On May 9, 2023, the Commission granted the Company temporary operating authority.
- 5 On July 9, 2024, Staff completed an investigation of San Juan's compliance with the safety requirements in WAC 480-15. In the course of its compliance investigation, Staff documented one acute safety violation, 14 critical or critical-type safety violations, and

five other safety violations, resulting in a conditional safety rating for the Company. Staff notified the Company of this proposed rating on July 9, 2024.

- 6 The Commission will grant permanent operating authority to household goods carriers that successfully complete its provisional period. Doing so requires the carrier to, among other requirements, receive a satisfactory safety rating in a review conducted by Staff. If a carrier fails to receive a satisfactory safety rating within 18 months of obtaining its provisional permit, the Commission will cancel the carrier's provisional permit and dismiss the company's application for permanent authority unless the Commission finds good cause to extend the provisional period. WAC 480-15-305.
- 7 Under the circumstances presented in this case, the Commission determines that it will afford San Juan the same opportunity as companies that have received a proposed unsatisfactory rating to provide evidence, in the form of an approved safety management plan, showing that the Company has taken corrective action to address the identified violations. San Juan must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than September 7, 2024. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective September 8, 2024. Thereafter, as an unregistered company, San Juan would be prohibited from providing household goods carrier services in the state of Washington.
- 8 **THE COMMISSION GIVES NOTICE: That it intends to cancel the permit and authority of San Juan Moving Company to provide services as a household goods carrier effective September 8, 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.**
- 9 Pursuant to WAC 480-15-450(2) the Commission will hold a hearing prior to cancelling a household goods permit for a company's failure to comply with applicable laws and Commission rules pertaining to operations of household goods carriers, including safety requirements set in law or rule. Accordingly, the Commission determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel San Juan's household goods carrier permit.
- 10 **THE COMMISSION GIVES FURTHER NOTICE: That it will hold a virtual brief adjudicative proceeding in this matter at 9:30 a.m. on September 4, 2024. To attend the hearing by telephone, please call (253) 215-8782 and enter the conference ID: 841 9997 2274# and Passcode: 283145#. To attend via Zoom, please use the following link: [Click here to join the meeting](#).**
- 11 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.
- 12 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, www.utc.wa.gov, copies of documents in the current record for use by the parties or others who may want to review them.

- 13 **San Juan must submit its proposed safety management plan no later than 5 p.m. on August 21, 2024. Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must electronically file any such documents with the Commission a list enumerating and describing any such documents no later than 5 p.m. on August 28, 2024. Filing shall be in accordance with WAC 480-07-140.**
- 14 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.
- 15 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: Jeff Roberson
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Respondent: Chase Haws
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- 16 Administrative Law Judge Eliza Manoff, from the Commission's Administrative Law Division, will preside during this proceeding.¹

DATED at Lacey, Washington and effective July 26, 2024

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

¹ Judge Manoff can be reached at eliza.manoff@utc.wa.gov or (360) 664-1285.

JEFF KILLIP
Executive Director and Secretary

Inquiries may be addressed to:

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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.

(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: _____