

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

In re Application of

Marsik Movers, LLC

for a permit to operate as a motor carrier
of household goods and a permit to
operate as a motor freight common
carrier.

DOCKET TV-240403

NOTICE OF INTENT TO DENY
APPLICATION FOR
REINSTATEMENT OF PERMIT
AUTHORITY

NOTICE OF OPPORTUNITY FOR
HEARING

- 1 On May 29, 2024, Marsik Movers, LLC (Marsik or Applicant) filed a Household Goods Moving Company Permit Application with the Washington Utilities and Transportation Commission (Commission) for reinstatement of permit authority to operate in Washington State as a household goods carrier (2024 Permit Application or Application).
- 2 Revised Code of Washington (RCW) 81.80.075(3) requires the Commission to consider (1) whether an applicant for a household goods carrier permit is fit to perform the services proposed and conform to the requirements, rules, and regulations of the Commission, and (2) whether the Applicant's operations are consistent with the public interest.
- 3 Washington Administrative Code (WAC) 480-15-450(4) states that a carrier may apply for reinstatement of a cancelled permit if "the carrier corrects all conditions that led to cancellation of the permit." WAC 480-15-450(4)(a) states that a carrier applying for reinstatement within 30 days of cancellation must file an application and pay the applicable fees listed by WAC 480-15-230.
- 4 The Commission will grant or deny an application for permanent authority after it conducts a complete review of the application, including supporting statements, reports, or other information necessary to determine fitness. Commission rules provide that the Commission may reject or deny an application for permanent authority if the Commission believes the applicant is unfit or if issuing the permit is not in the public interest.
- 5 If it is necessary to resolve outstanding issues or concerns related to the Applicant's fitness, whether the Applicant's operations would be consistent with the public interest, or any other issue resulting from a complaint or public comment, the Commission may

hold a hearing or brief adjudicative proceeding on any application for permanent authority.¹

- 6 Commission staff (Staff) evaluated the 2024 Permit Application and recommends the Commission deny the 2024 Permit Application for the reasons set out below.

BACKGROUND

- 7 On May 7, 2024, this Commission issued Revised Order 01 in Docket TV-231020. This order cancelled Marsik’s provisional authority as a household goods carrier but gave Marsik leave to reapply for reinstatement within thirty days of the Order pursuant to WAC 480-15-450(4). The instant application was made pursuant to the leave granted under that Order.

- 8 Revised Order 01 details, at length, the various violations of rule and statute committed by Marsik during its tenure as an authorized carrier. Marsik originally obtained provisional authority as a carrier on March 23, 2019. During the time between then and its eventual cancellation of authority, a period of approximately five years, Marsik failed to pass every inspection performed by UTC investigators. Marsik committed numerous recordkeeping and safety violations during this time period, in what the Commission has deemed a “pattern of noncompliance” that indicates “a systemic deficiency in the Company’s overall safety management process.”² As stated by this Commission, Marsik has “continued to flout the Commission’s rules, while repeatedly being granted the opportunity to do so through the repeated approval of [safety management plans].”³

DISCUSSION

- 9 Revised Order 01 left little room for Marsik to correct the conditions that lead to cancellation. The Order identified “systemic deficiency” in Marsik’s safety management process and further declined to find that Marsik made “substantial progress toward a satisfactory rating” over the 5 years that it held provisional authority.⁴ In other words, the conditions that lead to cancellation were long-standing and deeply embedded within the fabric of the company. Correcting said conditions under the record laid by Revised Order 01 would be a high bar.

- 10 Marsik has presented nothing in its application for reinstatement that would meet that bar. In an attachment to its application titled “Justification for Common Carrier Reinstatement

¹ WAC 480-15-350.

² *Matter of Marsik Movers, LLC*, TV-231020, Revised Order 01, 9 (May 7, 2024).

³ *Id.*

⁴ *Id.* at 9, 12.

of Marsik Movers LLC”, the Applicant claims to have “conducted a comprehensive review of the company’s safety protocols and operations” resulting in the Applicant implementing “new actions to ensure future compliance with all safety regulations and prevent any further cancellations.” No further detail is given. These assurances follow the exact “pattern of noncompliance” noted in Revised Order 01. Marsik has submitted multiple detailed safety management plans after failing inspections, each documenting where it violated regulations and how it would correct the practices that led to the violations. Yet, each subsequent inspection found further violations. Nothing in the application gives Staff reason or justification for once again giving authority to a company which, in this Commission’s own words, has “continued to flout the Commission’s rules.”

NOTICE

- 11 The Commission hereby provides notice of its intention to deny Marsik’s Application for reinstatement of permit authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15.
- 12 **NOTICE OF OPPORTUNITY FOR HEARING.** Marsik may request a hearing to contest the factual allegations set out in this notice. Marsik may request such a hearing by filing an electronic request for a hearing with the Commission’s records center by **5:00 p.m. on July 30, 2024**. The request must be directed to the attention of Jeff Killip, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TV-240403.
- 13 If Marsik requests a hearing by **5:00 p.m. on July 30, 2024**, the Commission will schedule an adjudicative proceeding under chapter 34.05 RCW and chapter 480-07 WAC. If Marsik does not request a hearing by that date, the Commission will enter an order rejecting the Application.

DATED at Lacey, Washington, and effective July 10, 2024.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

Jeff Killip
Executive Director and Secretary