

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation of
MVP MOVING AND STORAGE LLC
For Compliance with WAC 480-15-560
And WAC 480-15-570

In the Matter of the Penalty Assessment
Against
MVP MOVING AND STORAGE LLC
In the amount of \$6,100

DOCKETS TV-170038 and
TV-170039 (Consolidated)

STAFF’S MOTION FOR
CANCELLATION OF MVP MOVING
AND STORAGE LLC’S
HOUSEHOLD GOODS CARRIER
PERMIT

I. INTRODUCTION

1 Pursuant to WAC 480-07-375(1)(a), Commission Staff (Staff) of the Washington
Utilities and Transportation Commission (Commission) moves for cancellation of the
household goods carrier permit of MVP Moving and Storage LLC (MVP) for failure to
comply with the terms of Order 03 in these dockets.

II. RELIEF REQUESTED

2 Staff requests that the Commission cancel MVP’s household goods carrier permit.

III. STATEMENT OF FACTS

3 On February 21, 2017, the Commission provided notice of its intent to cancel MVP’s
household goods carrier permit after a compliance investigation of the company produced a

recommended unsatisfactory safety rating.¹ That same day the Commission issued a penalty assessment against MVP in the amount of \$6,100 for the violations giving rise to the proposed unsatisfactory safety rating.²

4 The Commission consolidated the compliance investigation and penalty assessment dockets and, after a brief adjudicative proceeding, upgraded MVP's safety rating to conditional based on a safety management plan submitted by the company.³ The Commission denied MVP's request for mitigation, but suspended a \$3,100 portion of the penalty and provided that it would waive the suspended portion if MVP (1) maintained a conditional safety rating and incurred no repeat critical violations for a period of two years and (2) paid the \$3,000 portion of the penalty not suspended within 10 days or agreed to Commission-approved payment plan with Staff.⁴

5 MVP neither paid the \$3,000 not suspended in a timely fashion nor reached a payment plan with Staff.⁵ Accordingly, on May 31, 2017, the Commission determined that MVP had failed to comply with the terms of Order 01. It imposed the suspended portion of the penalty on MVP by issuing Order 02 in these dockets.⁶

6 On June 27, 2017, MVP made a \$3,000 payment. Three days later MVP contacted Staff to request mitigation and offer a payment plan.⁷ This plan required MVP to make

¹ *In re the Investigation of MVP Moving & Storage LLC For Compliance with WAC 480-15-560 and WAC 480-15-570; In re the Penalty Assessment Against MVP Moving and Storage LLC In the amount of \$6,100*, Dockets TV-170038 & TV-170039, Order 01, at 1 ¶ 1 (Apr. 6, 2017) (hereinafter Order 01).

² Order 01 at 1 ¶ 2.

³ Order 01 at 3-4 ¶¶ 11-14.

⁴ Order 01 at 5-6 ¶ 23.

⁵ *In re the Investigation of MVP Moving & Storage LLC For Compliance with WAC 480-15-560 and WAC 480-15-570; In re the Penalty Assessment Against MVP Moving and Storage LLC In the amount of \$6,100*, Dockets TV-170038 & TV-170039, Order 02, at 1-2 ¶¶ 1-3 (May 31, 2017) (hereinafter Order 02).

⁶ Order 02 at 2 ¶ 3.

⁷ *In re the Investigation of MVP Moving & Storage LLC For Compliance with WAC 480-15-560 and WAC 480-15-570; In re the Penalty Assessment Against MVP Moving and Storage LLC In the amount of \$6,100*, Dockets TV-170038 & TV-170039, Order 03, at 1 ¶ 3 (July 12, 2017) (hereinafter Order 03).

payments in the amount of \$300 every month for 10 months, with each payment due on the 15th day of the month. The Commission denied MVP's request for mitigation, but did approve the payment plan offered by the company, with two modifications.⁸ The second of these modifications provided that the Commission could cancel MVP's household goods carrier permit if the company failed to make timely payments.⁹

7 MVP made only three of the nine payments required by the payment plan, with the Commission receiving those payments on August 2, 2017, September 18, 2017, and March 15, 2018.¹⁰ None of the payments was timely.¹¹

IV. STATEMENT OF ISSUES

8 Whether the Commission should cancel MVP's household goods carrier permit for failure to comply with the terms of Order 03 in these dockets

V. EVIDENCE RELIED UPON

9 Staff relies on the declaration of Mike Turcott, which was filed concurrently with this motion, and the evidence in the record in these dockets.

VI. ARGUMENT

10 In Order 03 in these dockets the Commission specifically provided that "THE COMMISSION ORDERS THAT . . . If MVP Moving and Storage, LLC fails to pay any portion of the assessed penalty by the due date, the Commission may cancel the Company's household goods permit by order in this docket."¹²

⁸ Order 03 at 2 ¶¶ 6-7.

⁹ Order 03 at 2 ¶ 7.

¹⁰ Decl. of Mike Turcott at 2 ¶ 8.

¹¹ Decl. of Mike Turcott at 2 ¶ 8.

¹² Order 03 at 3 ¶ 10.

11

The Commission's announcement that it would cancel MVP's permit was meant to signal to the company the importance of complying with its obligations. MVP, nevertheless, has failed to make the payments called for by the payment plan approved by the Commission, a plan proposed by MVP. The Commission should cancel MVP's permit.

VII. CONCLUSION

Commission Staff requests that the Commission grant its motion and cancel MVP's household goods carrier permit.

DATED this 9th day of May 2018.

Respectfully submitted,

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