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Date: May 10, 2000

Re: Docket No. TV-991559

I am opposed to the adoption of the proposed rulemaking under Docket No. TV-991559 on both general and specific grounds. As I have stated on numerous occasions before the Washington Utilities and Transportation Commission and the state Legislature, household goods should be regulated on the same basis as other commodities in the state of Washington.

The proposed rulemaking continues an out-of-date and unnecessary scheme of state regulation of a business that does not need such heavy handed intrusion by government. The proof of this is the successful deregulation of interstate household goods transportation in the early 1980's. Even more to the point was the successful deregulation of the intrastate transportation of virtually every other commodity by the federal government in 1995.

To continue to attempt to control the transportation for hire of household goods in this state will further undermine the authority of the WUTC and perhaps other state agencies. All one need to do is check the number of ads in the yellow pages to determine that the many in the moving industry and its customers have decided that such regulation is to be ignored.

It is possible that the current, unrecognized mass civil disobedience engendered by the moving public's refusal to pay tariffs that mandate an eight hour minimum on Sundays and holidays might spread to the laws, rules, and regulations of other state agencies. At the least, enforcement of the WUTC rules and tariffs, proposed and existing, could lead to the long overdue elimination of the Commission's jurisdiction in this area.

Routine examinations of the WUTC "complaint" files over the last eight years do not show the need for continued regulation. Most of the complaints are not from consumers (shippers). They are from movers (carriers) against competitors, almost universally filed by so-called licensed firms.

The costs associated with compliance are burdensome. While no study has been conducted to determine what the costs associated with compliance, common sense suggests that the consumer usually pays more, in some cases significantly more, when regulated carriers are retained.

What the Commission should do rather adopting the proposed rules is request that the Legislature put household goods moving on the same basis as that of the transportation office furniture, government furniture, school employees' household furniture (provided the move is billed through the school district), medical doctors' furniture, household goods moved in the so-called free zones in certain cities and household goods not moved over the state's highways. In other words, it is time to sunset this hoary holdover from the heady days of government regulation of transportation of anything moved over the highways and byways for compensation in the state of Washington.

The specifics of the proposed rulemaking continue and even enhance the absurdity of most of the Commission's laws, rules and regulation of household goods. The notion that because the carrier does not provide so-called accessorial services in relation to the "move" puts its business beyond the purview of the Commission stands the basis for regulation on its head. Further the new language in the definition of household goods on page 2 of the rulemaking notice ignores the reality of at least some of the transportation by self storage companies.

Many of these firms, while not actually providing packing and loading services, nevertheless are involved by giving consumers referrals to those that do provide these services. Further, the self storage industry cannot categorically assert that their transportation services always include storage of their containers in one of their facilities. They in fact have transported such containers from one residence to another. If the Commission's regulatory powers were taken seriously by shippers and carriers, the adoption of the new language would inevitably lead to further efforts to skirt the laws, rules and regulations of the WUTC.

The language allowing the transfer of so-called authority without requiring adherence to the recently adopted temporary permit process is nothing more than a way to favor one group of citizens over all others in this state. In essence, the Commission is creating a slick fee - by buying a permit, the acquirer by-passes most of the requirements established during the past two years to become a regulated carrier. It creates value for the seller where none should exist. And, it probably violates the state constitution's prohibition on the creation of perpetuities and emoluments.

The language in the proposed rulemaking regarding tariff rates perpetuates a consumer unfriendly business environment. Examples recently reported to Commission staff of regulated carriers attempting to take advantage of shippers through the carriers' interpretation of tariffs clearly show the soundness for allowing the market to determine the terms, conditions and costs of moving household goods - not a tariff with which the consumer has no familiarity.

The proposed rulemaking continues the costly requirement for so-called on-sight (visual inspection) estimates and goods inventories. While such business practices may be desirable in some cases, they are unnecessary for a large number of household goods moves. In addition, the use of so-called supplemental estimates do not protect consumers - in fact they allow for price gouging. Carriers should be required to use the least

expensive tariff when preparing estimates.

The proposed rulemaking requirements regarding estimates do not include a notice to shippers about available discounts and non-regulated goods and jurisdictions. To do less constitutes rate discrimination, something prohibited in the state constitution.

The bottom line is that it is time to stop regulating something that does not need to be regulated by the state of Washington.