

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

MARSIK MOVERS, LLC.

For Compliance with WAC 480-14-300,
WAC 480-15-560, and WAC 480-15-590

DOCKET TV-231020

REVISED ORDER 01

DISAPPROVING SAFETY
MANAGEMENT PLAN; CANCELING
PROVISIONAL AUTHORITY

BACKGROUND

- 1 Marsik Movers, LLC (Marsik Movers or Company) is a Washington company engaging in business as a household goods carrier. The Company currently holds Commission-issued provisional permit number THG-068754 and USDOT Number 3257682. Under its provisional authority, it has traveled over 130,000 miles and conducted hundreds of moves, despite having never received a satisfactory rating in a safety audit.
- 2 On December 28, 2023, the Commission issued a Notice of Intent to Cancel (NOIC).¹ A Brief Adjudicative Proceeding (BAP) was scheduled for January 31, 2024. The notice instructed Marsik Movers to submit its proposed Safety Management Plan (SMP) no later than January 17, 2024. The NOIC further notified the Company that the Commission intended to cancel the permit and authority on February 13, 2024, unless Marsik Movers obtained Commission approval of a safety management plan prior to that date.
- 3 On January 18, 2024, after several drafts of the SMP were sent back to the Company, Commission staff (Staff) notified Marsik Movers that the SMP was not accepted and provided a detailed response identifying deficiencies in the SMP.²
- 4 On January 31, 2024, the Commission held the scheduled BAP (“Third BAP”).³ At the hearing, Staff testified to the discovered violations and explained how the safety rating

¹ Notice of Intent to Cancel, ¶ 1 (December 28, 2023).

² SMP Evaluation at 2-3.

³ Third BAP, Tr. 1:1.

was calculated.⁴ Further, Staff testified that Marsik Movers failed to submit an acceptable SMP, and thus, the Company was not compliant with the safety regulations.⁵ Staff stated that it would submit an evaluation to the docket if the Company submitted a new SMP prior to the cancellation of the permit.⁶

5 On February 9, 2024, the presiding officer issued a Bench Request seeking additional information related to the total number of miles traveled and recordable accidents by the Company.⁷ Staff responded on February 12, 2024, indicating that the Company has reported driving over 131,000 miles.⁸

6 On February 9, 2024, Marsik Movers submitted an updated SMP.⁹ That same day, Staff submitted its evaluation of Marsik Movers' proposed SMP.¹⁰

7 Staff proffers that the Company's SMP is acceptable and meets the requirements of Title 49 Code of Federal Regulations (49 C.F.R) Part 385. "Documentation of an updated accident register, hours of service, vehicle maintenance, interstate registrations, and company policy information were included in the plan. Additionally, The Company provided evidence that it has created a compliance tracking system using calendar reminders for future compliance dates."¹¹

8 Staff therefore recommends the following:¹²

1. Marsik Movers owner, Marcel Filip, complete Commission sponsored household goods industry safety training, either through the Commission's online learning system or the live virtual class provided by Staff scheduled for March 20, 2024;

⁴ Third BAP, Tr. 12-14.

⁵ Third BAP, Tr. 19:18-22.

⁶ Third BAP, Tr. 29:1-5.

⁷ Bench Request 01, at 2 (February 9, 2024).

⁸ Staff's Response to Bench Request 01 (February 12, 2024).

⁹ SMP Evaluation, at 3 (February 9, 2024).

¹⁰ SMP Evaluation, at 1.

¹¹ SMP Evaluation, at 3-5.

¹² SMP Evaluation, at 4 ("Staff recommends the Commission accept Marsik Movers SMP.").

2. Staff conduct a follow-up safety investigation at least six months from the date of an Order;
 3. Marsik Movers must obtain a satisfactory safety rating following the investigation;
 4. Upon reinspection, the Company may not incur repeat critical violations of 49 C.F.R. § 395.8(a)(1); and
 5. Failure to meet any of these conditions would constitute grounds for cancellation of the Company's provisional permit.
- 9 On February 13, 2024, the presiding officer notified the parties of his intent to take official notice of certain federal government websites pertaining to the Company – and allowed the parties an opportunity to respond.¹³ This information includes records related to accidents, inspections, insurance, and operating authority. It is made available to the public by the Federal Motor Carrier Safety Administration (“FMCSA”).
- 10 Staff responded on February 16, 2024, and provided additional context to the information the presiding officer identified.¹⁴
- 11 We note that on February 27, 2024, Company's authority was cancelled in a separate docket, TV-240121. Subsequently, the cancellation was rescinded that day.¹⁵

DISCUSSION

Applicable Law

- 12 Washington law has established comprehensive standards for operation under a household goods carrier permit. Revised Code of Washington (RCW) 81.80.070 states that a permit is required to operate as a household goods carrier, and that the Commission shall issue a permit to an applicant demonstrating, among other things, their fitness and

¹³ Notice of Intent to Take Notice; Opportunity to Respond (February 13, 2024).

¹⁴ Staff's Response to Notice (February 16, 2024).

¹⁵ Docket TV-240121, Cancellation of Provisional Household Goods Permit THG068754 Due to Insufficient Proof of Insurance, at 1 (February 26 2024); Docket TV-240121, Rescinding Cancellation of Permit, at 1 (February 26, 2024). The Commission will proceed and render its decision based on the facts and law set forth in this Order.

ability to provide service in compliance with the Commission's rules and regulations.¹⁶ Additional operating requirements are set forth in Washington Administrative Code (WAC) 480-15-302 and WAC 480-15-305. WAC 480-15-302 sets forth the requirements for obtaining a permit for provisional authority, while WAC 480-15-305 contains the requirements for receiving a permit for permanent authority.¹⁷ A carrier with provisional authority possesses a conditional safety rating, while a carrier with permanent authority holds a satisfactory safety rating.

- 13 Additionally, WAC 480-15-305 also provides that upon completion of the provisional period of not less than six (6) months and not more than eighteen (18) months, the Commission will grant permanent authority to an applicant.¹⁸ Finally, WAC 480-15-560 requires household goods carriers to comply with all federal, state and local laws, and Commission orders governing licensing, vehicle safety, and driver safety, which also includes 49 C.F.R.¹⁹

Commission Decision

- 14 As has been explained previously in this order, Marsik Movers has had provisional authority as a household goods carrier since March 23, 2019.²⁰ We note, and frankly are concerned, that Marsik has been before the Commission under several different dockets, TV-220168 and TV-220169, TV-230061, and now this docket, for repeatedly breaking the Commission's regulations for household goods carriers. In those previous proceedings, the Commission found "good cause" to extend the Company's provisional authority, rather than cancel it.
- 15 Now, in this proceeding, it is Staff's position that Marsik Movers' SMP should be approved and its provisional authority extended yet again. We will address Marsik Movers' SMP and whether it should be approved. We also will address whether Marsik Movers' provisional authority should be extended.

¹⁶ See RCW 81.80.070. (1) A common carrier, contract carrier, or temporary carrier shall not operate for the transportation of property for compensation in this state without first obtaining from the commission a permit for such operation.

¹⁷ See WAC 480-15-302 and WAC 480-15-305.

¹⁸ See WAC 480-15-305 (1)(b).

¹⁹ WAC 480-15-560 references the specific federal provisions with which Household Goods Carriers must also comply, namely Title 49 Code of Federal Regulations (49 C.F.R.). *See also* WAC 480-15-999 (adopting Title 49 and the *North American Out-of-Service Criteria*).

²⁰ Exh. JS-1, Investigation Report at 9.

I. Marsik Movers' Safety Management Plan

- 16 On February 9, 2024, the Company submitted its updated SMP, and Staff submitted the SMP Evaluation, on the same day.²¹ Staff determined that Marsik Movers' SMP addressed each violation, identified how each violation occurred, described the steps taken to correct each violation, and described the controls in place to ensure compliance going forward. Staff concluded that Marsik Movers' SMP was acceptable and satisfied the legal requirements of 49 C.F.R. Part 385.²²
- 17 We have reviewed the SMP Evaluation and the underlying SMP, and we disagree with Staff's conclusion that it sufficiently demonstrates compliance. Further, even if the SMP was sufficient, we would still disagree that there is "good cause" to believe that the Company "is making substantial progress towards a satisfactory rating," pursuant to WAC 480-15-305.
- 18 Turning first to our review of the SMP Evaluation, we observe that on March 23, 2019, the Company received provisional authority as a household goods carrier.²³ Three years later the Commission conducted its initial safety investigation of Marsik Movers and discovered several violations.²⁴ These types of violations are classified as "critical violations," which impact the Company's safety rating. Critical violations are defined as violations of critical regulations such as 49 C.F.R. § 395.8(a)(1), which reads:
- "Critical"** regulations are those identified as such where non-compliance relates to management and operational controls. These are indicative of breakdowns in a company's management controls. Patterns of non-compliance with a critical regulation are linked to inadequate safety management controls and higher than average accident rates.²⁵
- 19 In 2022, the Commission cited the Company for violating the following critical regulations:

²¹ SMP Evaluation.

²² SMP Evaluation, at 3 ("Staff reviewed Marsik Movers' SMP and determined it is acceptable and meets the requirements of 49 CFR § 385.").

²³ SMP Evaluation at 1.

²⁴ SMP Evaluation at 4.

²⁵ See 49 C.F.R. § 395.8(a)(1).

1. 49 C.F.R. § 391.51(a) – Failing to maintain driver qualification file on each driver employed. (Critical)
2. 49 C.F.R. § 395.8(a)(1) - Failing to require a driver to prepare a record of duty status. (Critical)
3. 49 C.F.R. § 396.17(a) – Using a commercial motor vehicle not periodically inspected. (Critical)
4. WAC 480-15-555 – Failing to conduct/retain paperwork containing criminal background checks or hiring an individual with a disqualifying conviction for a household goods carrier in the state of Washington. (Critical type)²⁶

20 We note that the Company submitted an SMP, which was approved in Order 01 in Dockets TV-220168 and TV-220169 (“First BAP”), continuing Marsik Movers provisional authority “for good cause.”²⁷ However, we start to see a pattern emerge with the Company and what would be its violation of Commission safety regulations.

21 To that point, not even a year later, January 25, 2023, Staff conducted a follow-up safety investigation and cited Marsik Movers for another violation affecting its safety rating. This time the Company violated WAC 480-15-530 – Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage, which is classified as an acute violation.²⁸ The Company submitted an SMP addressing issues giving rise to the violation, received a conditional safety rating, and had its provisional authority extended again.

22 Following a second safety investigation on March 24, 2023, under Docket TV-230061 (“Second BAP”), the Commission found the Company had committed five critical or acute regulatory violations.²⁹ Once again, the Company was permitted to submit an SMP describing the corrective actions it had taken. The investigator “provided . . . safety management plan guidance that [they] went over in detail together.”³⁰ At the hearing, when asked by the presiding officer if the Company had any questions for the

²⁶ Evaluation of Safety Management Plan at 4. Staff characterized the fourth regulatory provision as the “critical type” based on the nature of the provision and its impact on customer safety.

²⁷ Dockets TV-220168 and TV-220169, Order 01 (May 6, 2022) .

²⁸ See WAC 480-15-530.

²⁹ Second BAP, Tr. 10:16-11:5.

³⁰ Second BAP, Tr. 16:1-4.

investigator, the company representative stated, “No, I don't. I got familiar with all this regulation and, no, no questions at all.”³¹ He further represented that, “I went and started to read the book from the UTC to make sure, like, I know everything, how it's going.”³²

23 Accepting these representations, and hopeful that the Company would reverse its trend of noncompliance, the Commission maintained the Company’s conditional safety rating and extended the provisional authority “for good cause.”³³

24 On December 14, 2023, Staff³⁴ completed the third safety investigation of Marsik Movers which again resulted in a proposed conditional safety rating, instead of a satisfactory safety rating, which is required in order for the Company to transition to permanent authority.³⁵ On this occasion, Staff cited Marsik Movers with six violations of critical regulation provision, Title 49 C.F.R. § 395.8(a)(1) – Failing to require a driver to prepare a record of duty status.³⁶ Again, the Company was afforded the opportunity to present a SMP to demonstrate correction of the identified violations.³⁷

25 Further, on December 19, 2023, Marsik Movers submitted its initial, third SMP. Staff reviewed the plan and determined that it failed to demonstrate that the Company understood the regulatory requirements that were documented in the investigation report, nor did the plan show that Marsik Movers had established safety management controls to prevent future occurrences of violations.³⁸ As a result of its deficient SMP, the Commission issued a Notice of Intent to Cancel (NOIC)³⁹ and conducted a third BAP on January 31, 2024.

³¹ Second BAP, Tr. 16:2-11.

³² Second BAP, Tr. 22.

³³ *WUTC v. Marsik Movers, LLC.*, Docket TV-230061, Order 01 ¶ 27 (March 24, 2023).

³⁴ In formal proceedings such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

³⁵ SMP Evaluation at 2; WAC 480-15-305.

³⁶ SMP Evaluation at 2; Title 49 C.F.R. § 395.8(a)(1).

³⁷ SMP Evaluation at 2.

³⁸ SMP Evaluation at 2-3.

³⁹ SMP Evaluation at 2-3.

- 26 At the hearing, Staff testified to the discovered violations and explained how the safety rating was calculated.⁴⁰ Further, Staff testified that Marsik Movers failed to submit an acceptable SMP, and thus, the Company was not compliant with the safety regulations.⁴¹ Staff stated that it would submit an evaluation to the docket if the Company submitted a new SMP prior to the cancellation of the permit.⁴²
- 27 In the SMP Evaluation, Staff notes that, on February 9, 2024, the Company did submit an SMP finally addressing the violations identified in the December 14, 2023, follow-up safety investigation.⁴³ However, based on the details set forth in the SMP Evaluation and the testimony from the BAP, we are not inclined to follow Staff's recommendation to approve the Company's SMP and extend its provisional authority. In fact, our review of the SMP submitted only increased our concerns and did very little to ease our concerns about Marsik Movers continued noncompliance with Commission laws and regulations.
- 28 Turning briefly to the SMP itself, we acknowledge that Marsik Movers cured some of the deficiencies that led to the Company receiving a conditional safety rating, rather than a satisfactory safety rating. An example of the regulations the Company violated was 49 C.F.R. 390.15(b). This regulation sets two record keeping requirements, that are listed in two subsections.⁴⁴
- 29 The Company's SMP demonstrates an attempt to comply with (b)(1), and proffers an accident register "FROM 01 Jan, 2022, to December, 2022." One of the few pieces of information required to be in the register is the name of the "town" that recorded accidents took place in. The place that the 2022 register lists for the 2023 accident is "CO I-70." Within the Company's accident register is a column labeled "Copy of State or Insurance report."⁴⁵ Within that column, for two of the recorded accidents is an em dash

⁴⁰ Third BAP, Tr. 12-14.

⁴¹ Third BAP, Tr. 19:18-22.

⁴² Third BAP, Tr. 29:1-5; SMP Evaluation at 3.

⁴³ Third BAP, Tr. 29:1-5; SMP Evaluation at 3.

⁴⁴ Our interpretation of this section is that a citation to (b)(1) indicates a missing or incomplete list of accidents; a citation to (b)(2) indicates missing or incomplete required reports; and that a citation to (b) indicates both components of the accident register are missing. A reading which excluded either subsection from (b) could lead to anomalous results. *See* 49 C.F.R. § 390.3T(h)(3) (excluding all of § 390.15(b) from intermodal equipment providers).

⁴⁵ SMP at 6.

(—), which the presiding officer interprets as not existing. Likewise, the “NA” listed next to the 2023 Colorado accident, the presiding officer interprets as “not applicable.”

30 This was insufficient for several reasons: (1) the list should be for the year it is covering, (2) it should include the full names of the drivers, and (3) it should include the town in which the accident took place (interstates are not towns). This alone makes it difficult to accept Staff’s proffered legal conclusion that the SMP satisfies the requirements of Part 385.

31 Because the non-compliance has not been contested, and there are adequate grounds for cancelation, this Order will not linger on other violations specified in the NOIC and mentioned in the SMP. After our review of the SMP Evaluation, the BAP’s evidence and testimony, and the SMP itself, it is clear that the Company has continued to flout the Commission’s rules, while repeatedly being granted the opportunity to do so through the repeated approval of SMPs. This pattern of noncompliance seems to indicate a systemic deficiency in the Company’s overall safety management process. Rather than continue this pattern, and based on the evidence set forth herein, we reject Marsik Movers’ SMP.

II. Cancelation of Provisional Authority

32 As was set forth previously in this order, RCW 81.80.070, WAC 480-15-302, and WAC 480-15-305 provide the statutory and regulatory framework for obtaining and holding provisional and permanent operating authority for household goods carriers. WAC 480-15-302 provides the details for acquiring provisional operating authority. In turn, WAC 480-15-305 states that at the conclusion of a household goods carrier operating with provisional authority for six (6) to eighteen (18) months, that carrier may receive permanent authority, if it has met the requirements of WAC 480-15-302.⁴⁶ WAC 480-15-305 also requires that the applicant, in this case the carrier with provisional authority, has received a satisfactory safety rating in a safety review conducted by commission safety staff.⁴⁷ However, WAC 480-15-305 also states:

If the carrier has not completed the requirements for permanent authority within eighteen months of the date the provisional permit was issued, the commission will cancel the provisional permit and dismiss the application for permanent authority, unless the commission determines that for good cause the provisional period should be extended beyond eighteen months. Good cause may include, among other circumstances, a carrier that has not

⁴⁶ See WAC 480-15-302 and WAC 480-15-305.

⁴⁷ WAC 480-15-305(1)(e).

yet made an intrastate move or a carrier that has not yet achieved a satisfactory safety rating but is making substantial progress toward a satisfactory rating.⁴⁸

33 In another proceeding the Staff provided some helpful insight on how the Commission views and applies the “good cause” standard. “The [C]ommission will cancel the provisional permit and dismiss the application for permanent authority unless it determines that for good cause the provisional period should be extended.”⁴⁹

34 Further it was noted we agree that “the Commission has frequently relied on a provisional carrier’s receipt of a proposed conditional safety rating as a basis for extending the provisional period rather than cancelling the carrier’s permit and dismissing the application for permanent authority.⁵⁰ Under this approach, the Commission has used the submission of an acceptable SMP as the predicate “good cause” and refrained from upgrading an operator’s safety rating from conditional to satisfactory.”⁵¹

35 Marsik Movers has held provisional operating authority as a household goods carrier since March 23, 2019. We have noted elsewhere in this order that the Company has repeatedly violated the Commission’s safety regulations. Based on these repeated violations, the Commission, as was discussed and determined previously in this order, has decided to reject Marsik Movers’ SMP. It goes without saying that Marsik Movers’ conditional safety rating will not be upgraded to satisfactory, nor will it receive permanent authority. More importantly, with the rejection of the SMP there is no predicate “good cause” to extend the Company’s provisional authority, pursuant to the Commission’s precedent and practices.

36 Marsik Movers has engaged in a pattern of noncompliance with Commission regulations and has not implemented controls promoting longstanding corrective action for the safe operation as a household goods carrier. Therefore, the Commission has no choice but to cancel the Company’s provisional authority.

⁴⁸ WAC 480-15-305(3).

⁴⁹ *In the Matter of the Penalty Assessment Against Miracle Man Movers, LLC in the amount of \$8,000*, Docket TV-220511 and *In the Matter of the Investigation of Miracle Man Movers, LLC for Compliance with WAC 480-15-555, WAC 480-15-560, WAC 480-15-570, and WAC 480-15-590*, Docket TV-230503, Order 05/03 ¶ 12 citing Staff Petition for Administrative Review (Petition) (September 19, 2023) ¶ 12 citing WAC 480-15-305(3).

⁵⁰ Dockets TV-220511 and TV-230503, Order 05/03 ¶ 13 citing Petition ¶ 16.

⁵¹ Dockets TV-220511 and TV-230503, Order 05/03 ¶ 13.

III. Clarification of Process

- 37 The presiding officer received several communications from Company representatives indicating confusion of process. We offer the below summary to help clarify post-order options of the parties. We remind the Company that it is allowed to retain counsel.
- 38 We also remind the Company that it may move to reinstate the permit pursuant to WAC 480-15-450(4). This requires the payment of fees and the correction of all conditions that led to the cancellation of the permit. If a company does not move to reinstate within 30 days of cancellation, they will be treated as a new applicant and be subject to the timing restrictions of WAC 480-15-302(11). Because there has been a delay in the issuance of this revised Order 01, we grant *sua sponte*, pursuant WAC 480-15-035,⁵² Marsik Movers an exemption to WAC 480-15-450 (4) extending post-order deadlines in order to afford the Company the opportunity to file for reinstatement of its permit. The period for the Company to apply to reinstate its permit shall run for thirty (30) days from the date of this Revised Order and Order 03, to which this order will be attached.⁵³
- 39 Either party may file a petition for administrative review, if they wish to challenge any finding of fact, conclusion of law, remedy, or result of this order. WAC 480-07-825.
- 40 Either party may file a motion for clarification, if they do not wish to change the outcome or reasoning of this Order but wish to “correct obvious or ministerial error.” WAC 480-07-825.

FINDINGS AND CONCLUSIONS

- 41 (1) The Commission is an agency of the state of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.
- 42 (2) Marsik Movers has been a household goods carrier subject to Commission regulation for almost five years. Marsik Movers has reported driving over

⁵² See WAC 480-15-035 (1) The commission may grant an exemption of any rule in this chapter when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

⁵³ Order 03 contains similar language to this paragraph in granting Marsik Movers an extension of time to file an application for reinstatement of its certificate.

134,000 miles; it reported making \$412,000 gross in 2022; it has engaged in hundreds of household good moves.⁵⁴

- 43 (3) Marsik Movers has never received a satisfactory score in a Commission safety investigation.⁵⁵ Marsik Movers was evaluated by Staff in this matter under the guidance of Appendix B of Part 385. *See also* Appendix A of Part 385 (setting scoring criteria for new entrants).
- 44 (4) Marsik Movers has a history of inadequate safety management controls and repeat violations. The Commission has provided Marsik Movers with many opportunities to succeed. Marsik Movers has continued to have repeat violations, as set forth in paragraphs 24 through 35 of this order.
- 45 (5) Marsik Movers has not contested any of the violations contained in the NOIC.
- 46 (6) We find the Commission has authority to alter, amend, suspend, or revoke permits for violations of Commission adopted rules or violations of federal law.
- 47 (7) We find that there is sufficient cause for cancelation pursuant to WAC 480-15-450(1) – failure to comply with applicable laws and commission rules.
- 48 (8) We find that the record does not demonstrate that 49 C.F.R. 390.15(b) has been cured.
- 49 (9) The Commission declines to find “good cause” that Marsik Movers “is making substantial progress toward a satisfactory rating.” WAC 480-15-305.
- 50 (10) Marsik Movers’ updated SMP submitted on February 9, 2024, should not be approved; the Company’s provisional period should not be extended, but instead canceled.

ORDER

THE COMMISSION ORDERS:

- 51 (1) The Commission rejects Marsik Movers, LLC’s safety management plan.

⁵⁴ Evaluation of Safety Management Plan, at 4 (February 9, 2024).

⁵⁵ Staff’s Response to Bench Request 01, at 3 (February 12, 2024).

- 52 (2) Pursuant to WAC 480-15-450, Marsik Movers, LLC's provisional authority is canceled.
- 53 (3) Marsik Movers, LLC's application for permanent household goods authority is dismissed.⁵⁶
- 54 (4) Pursuant to WAC 480-15-450, Marsik Movers shall immediately CEASE all operations associated with this permit, including advertising.
- 55 (5) Pursuant to WAC 480-15-450(3), Marsik Movers shall provide notice to every customer that its permit has been canceled and shall provide proof of such notice to the Commission within 30 days.
- 56 (6) Pursuant to WAC 480-15-450(4)(a), Marsik Movers shall have thirty (30) days from the date of this Order to file an application for reinstatement of its provisional permit.

DATED at Lacey, Washington, and effective May 7, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Bijan Hughes

Bijan Hughes

Administrative Law Judge

⁵⁶ **You may apply to reinstate your permit.** You must reinstate within 30 days of cancellation, otherwise you may not reapply for 12 months per WAC 480-15-302(11).

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-610(7) provides that any party to this proceeding has twenty-one (21) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).