



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

February 23, 2023

Amanda Maxwell, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Wise Choice Movers, LLC*
Commission Staff's Response to Company's Request for Review of Order 04/02/01
Dockets TV-180287, TV-200711, and TV-220773 (*Consolidated*)

Dear Ms. Maxwell:

On November 9, 2022, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment in the amount of \$9,000 against Wise Choice Movers, LLC (Wise Choice or Company), in Docket TV-220773 for safety violations of WAC 480-15-570, Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 395 – Hours of Service of Drivers.

On November 23, 2022, the Commission imposed an \$8,150 suspended penalty from consolidated Dockets TV-180287 and TV-200711 due to the Company's failure to comply with the terms of Order 03/01.

On December 8, 2022, Wise Choice filed with the Commission an application for mitigation of penalties in Docket TV-200711, which the Commission interpreted as a request for mitigation of the \$8,150 imposed penalty from consolidated Dockets TV-180287 and TV-200711, as well as a request for mitigation of the \$9,000 penalty assessed in Docket TV-220773.

On February 7, 2023, the Commission entered Order 04/02/01, which: (1) consolidated Dockets TV-180287, TV-200711, and TV-220773; (2) denied Wise Choice's request to mitigate or further suspend the \$8,150 suspended penalty in consolidated Dockets TV-180287 and TV-200711; (3) denied the Company's request for mitigation of the \$9,000 penalty assessed in Docket TV-220773; (4) suspended the entire \$9,000 penalty in Docket TV-220773 for a period of two years, and then waived, subject to conditions; and (5) required Wise Choice to either pay the \$8,150 penalty that is not suspended or file a payment arrangement with Commission staff (Staff) by February 17, 2023.

On February 15, 2023, the Company filed with the Commission a request for review of Order 04/02/01. In its filing, Wise Choice stated that except for the 90 violations of 49 C.F.R. § 395.8(a)(1),

the Company complied with applicable motor carrier safety regulations during the follow-up safety investigation. Wise Choice further stated that the penalty would greatly affect its struggling business.

In response to the Company's request for review, Staff recommends the Commission uphold its decision in Order 04/02/01. The Commission has already mitigated and suspended the penalties in consolidated Dockets TV-180287 and TV-200711, and the Company has twice failed to comply with the Commission's terms upon reinspection. In addition, the Commission suspended the entire \$9,000 penalty for 90 repeat violations of 49 C.F.R. § 395.8(a)(1) in Docket TV-220773, when it could have instead required the entire penalty to be due and payable. To avoid creating an insurmountable financial hardship for Wise Choice, Staff recommends the Commission approve the following 24-month payment plan:

1	March 20, 2023	\$340
2	April 20, 2023	\$340
3	May 22, 2023	\$340
4	June 20, 2023	\$340
5	July 20, 2023	\$340
6	August 21, 2023	\$340
7	September 20, 2023	\$340
8	October 20, 2023	\$340
9	November 20, 2023	\$340
10	December 20, 2023	\$340
11	January 22, 2024	\$340
12	February 20, 2024	\$340
13	March 20, 2024	\$340
14	April 22, 2024	\$340
15	May 20, 2024	\$340
16	June 20, 2024	\$340
17	July 22, 2024	\$340
18	August 20, 2024	\$340
19	September 20, 2024	\$340
20	October 21, 2024	\$340
21	November 20, 2024	\$340
22	December 20, 2024	\$340
23	January 21, 2025	\$340
24	February 20, 2025	\$330

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Transportation Safety, at (360) 867-8305, or by email at Jason.Hoxit@utc.wa.gov.

Sincerely,

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety