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May 10, 2018

Rayne Pearson, Administrative Law Judge
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

RE: *In the Matter of the Penalty Assessment against MVP Moving and Storage LLC in the Amount of \$6,100*
Docket TV-170038
In the Matter of the Investigation of MVP Moving and Storage LLC for Compliance with WAC 480 15-560 and WAC 480-15-570
Docket TV-170039 (consolidated)

Dear Judge Pearson:

Staff submits this letter to notify you of events related to Staff's motion to cancel MVP Moving and Storage LLC's (MVP) household goods permit, filed May 9, 2018.

On February 21, 2017, the Commission notified MVP that it intended to cancel the company's household goods carrier permit due to a proposed unsatisfactory safety rating, which resulted from a compliance investigation performed by Commission Staff (Staff). That same day, the Commission issued a penalty assessment in the amount of \$6,100 for the violations that produced the proposed unsatisfactory safety rating. After a hearing on the consolidated dockets, the Commission issued Order 01. That order upgraded MVP's safety rating and declined to mitigate the penalty, although it did suspend a \$3,100 portion of it. The Commission provided that it would waive the suspended portion of the penalty if MVP complied with certain conditions, including either paying the unsuspended portion in full within 10 days of the date of Order 01 or arranging a payment plan with Staff.

MVP did not comply with the Commission's conditions as it did not pay the unsuspended portion in full or work out a payment plan with Staff. On May 31, 2017, the Commission, by Order 02, imposed the suspended portion of the penalty on MVP and made the full penalty amount immediately due and payable.

The Commission's order spurred MVP into action. It paid \$3,000 on June 27, 2017, and soon thereafter contacted the Commission to request mitigation and arrange a payment plan. The

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Commission, in Order 03, declined to mitigate the penalty assessed against the company but did approve MVP's proposed payment plan with conditions. Those conditions required MVP to make timely monthly payments over the course of the plan and provided that the Commission may cancel the company's household goods permit if it failed to do so.

MVP often failed to make timely payments, and, in fact, often failed to make monthly payments at all.¹ Counsel for the Commission sent MVP a letter in late February 2018 to notify it of the Commission's intention to send the outstanding balance to collections. MVP made one payment after receiving the letter.

On May 9, 2018, Staff moved the Commission to cancel MVP's household goods carrier permit for failure to comply with the conditions in Order 03. Later that same day, Mr. Jason Garcia contacted Staff's counsel to state that he had paid the outstanding balance the previous week. Staff investigated and has determined that Mr. Garcia did indeed make a payment before Staff filed its motion. This payment, unfortunately, did not process until the morning of May 10, 2018.

Staff submits this letter to alert the Commission of Mr. Garcia's payment. Nevertheless, Staff does not view Mr. Garcia's belated payment as rendering Staff's motion moot. Staff is concerned that MVP has repeatedly disregarded its obligations to comply with the Commission's orders, including its violation of the terms of: (1) the suspension of penalties in Order 01 in these dockets, and (2) the acceptance of MVP's payment plan in Order 03. Staff also notes that the Commission recently issued a penalty assessment against MVP in Docket TV-180160 for violations disclosed during Staff's follow up to the compliance investigation underlying dockets TV-170038 and TV-170039. MVP did not timely pay the penalty assessment or request a hearing to contest it.

Sincerely,

/s/ Jeff Roberson, WSBA No. 45550
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JR/emd

cc: Parties

¹ MVP made payments on August 2, 2017, September 18, 2017, and March 15, 2018. The company's payments were due on the 15th day of the month under the payment plan approved by the Commission.