

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of Repealing, Amending, and Adopting Chapter 480-15 WAC ) DOCKET NO. TV-991559  
)  
) GENERAL ORDER NO. R-471  
)  
Rules Relating to )  
) ORDER REPEALING, AMENDING,  
Household Goods Carriers ) AND ADOPTING RULES  
..... ) PERMANENTLY

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice WSR # 00-09-079, filed with the Code Reviser on April 18, 2000. The Commission brings this proceeding pursuant to RCW 81.04.160, RCW 81.04.250, RCW 81.28.040, RCW 81.80.090, RCW 81.80.120, RCW 81.80.130, RCW 81.80.290, RCW 81.80.211 and RCW 80.01.040 .

2 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 **DATE OF ADOPTION:** The Commission adopts these rules on June 26, 2000.

4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:**  
This rulemaking amends the following household goods carrier rules to improve their effectiveness, clarify meaning and ensure that the rules are serving their intended purpose:

The statement of purpose and application in WAC 480-15-010 is revised to clarify that household goods carriers must comply with other state laws, including tax and licensing laws.

The definition of household goods in WAC 480-15-020 is revised to limit the exclusion of self-storage containers to those containers transported between a self-storage facility and its customers, when that transportation is in conjunction with a self-storage agreement.

The definition of a motor vehicle in WAC 480-15-020 is revised to clarify that a

self-storage container is not a motor vehicle. WAC 480-15-030, Waiver of rules, is repealed and WAC 480-15-035, Exemption from rules is adopted. The new rule has alternate language that more clearly describes the filing and review process for seeking exemptions from rules. Exceptions to the permanent authority application process in WAC 480-15-260 are revised to clarify existing exceptions, and to include additional circumstances under which exceptions may be allowed.

The rate band in WAC 480-15-490 is revised to establish a new maximum rate with an annual review and adjustment of that maximum rate according to an index for the next five years. The rule is also revised to establish a new minimum rate fixed at a percentage of the new maximum rate. The rule names the tariff that establishes the starting point in the rate calculation.

The term “commercial vehicle” in WAC 480-15-560 and WAC 480-15-570 is revised to ensure that federal safety regulations are applied consistently to intrastate and interstate vehicles and drivers. WAC 480-15-560 is revised to remove reference to compliance with hazardous materials regulations that do not apply to household goods carriers.

The “text” of the Commission’s consumer brochure in WAC 480-15-620 is replaced with a description of the brochure’s contents.

Estimate requirements in WAC 480-15-560 are revised to reduce the record retention period for estimates and to add disclosure language to the estimate form regarding rates used on supplemental estimates.

Supplemental estimate requirements in WAC 480-15-660 are revised to clarify when a company must provide a supplemental estimate to a customer and the rate that may be used on the supplemental estimate.

Information required on the bill of lading in WAC 480-15-740 is revised to allow companies alternative ways of recording the details about each worker’s time on the job.

5 **REFERENCE TO AFFECTED RULES:** This order repeals, amends, and adopts the following sections of the Washington Administrative Code:

The order repeals WAC 480-15-030 Waiver of Rules.

The order amends WAC 480-15-010 Purpose and application; WAC 480-15-020 Definitions; WAC 480-15-260 Are there exceptions to the application process? (Amended title: Exceptions to the application process); WAC 480-15-490 Tariff

and rates, general; WAC 480-15-560 Equipment safety requirements; WAC 480-15-570 Driver safety requirements; WAC 480-15-620 What information must I provide to each shipper? (Amended title: Information household goods carriers must provide to customers.); WAC 480-15-650 Form of estimates; WAC 480-15-660 Supplemental estimates; WAC 480-15-740 What information must I include on a bill of lading? (Amended title: Information required on a bill of lading).

The order adopts WAC 480-15-035 Exemptions from rules.

- 6 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:** The Commission filed a Preproposal Statement of Inquiry (CR-101) on October 28, 1999, at WSR # 99-22-039. The preproposal statement of inquiry advised interested persons that the Commission was gathering information regarding the effect of existing rules on household goods moving companies and their customers to determine if it was appropriate to enter a rulemaking to consider changes, additions, or deletions to the rules.
- 7 **ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The Commission informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all affected companies and other persons involved in the Commission's prior rulemaking on this subject. The Commission accepted written comments regarding the CR-101 through November 29, 1999.
- 8 Pursuant to the notice, the Commission staff and stakeholders participated in a stakeholder's workshop on December 9, 1999, to discuss written comments received, to gather additional comments, and to discuss solutions. Representatives of the household goods moving industry, self-storage industry, independent movers, and Office of State Procurement attended the workshop. Workshop participants and staff reached agreement on the following issues: exemptions from rules, exceptions to the application process, equipment and safety requirements, driver safety requirements, the form of estimates, and information on bills of lading.
- 9 Following the workshop, stakeholders filed additional written comments confirming agreement on issues discussed at the workshop and identifying unresolved issues, specifically the rate band and the exclusion of the transportation of customer packed and sealed self-storage containers from the definition of household goods. Staff continued to hold informal discussions with interested persons to resolve outstanding issues. Comments and suggestions were incorporated into a discussion draft of rules.
- 10 On March 10, 2000, the Commission mailed to stakeholders a copy of the discussion draft rules, and a notice of opportunity to file comments. The Commission received

comments through March 24, 2000. Washington Movers Conference, Door-to-Door Storage, Inc., Shurgard Storage To Go, Inc., and Public Storage Pickup and Delivery, L.P. filed comments regarding the definition of household goods. As a result of those comments the term “public storage” was changed to “self-storage” in the definition of household goods and language was added to the motor vehicle definition stating self-storage container is not a motor vehicle.

- 11 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on April 18, 2000, at WSR #00-09-079. The Commission scheduled this matter for oral comment and adoption under Notice WSR #00-09-079 at 9:30 a.m., Wednesday, May 24, 2000, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission.
- 12 **COMMENTERS (WRITTEN COMMENTS):** The Commission received written comments from Brian McCulloch expressing opinions and concerns about the rules, issues of law, and regulation in general. The Commission received comments from Shelby Gilje in the form of a consumer column in the Seattle-Times. Ms. Gilje suggested that the Commission establish a standard estimate format so that moving customers would be able to compare information received from different companies. She also suggested that the estimate form should include the date the estimate is given, and provide additional information about valuation protection options available to customers.
- 13 **RULEMAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice, at a rulemaking hearing scheduled during the Commission's regularly scheduled open public meeting on May 24, 2000, before Chairwoman Marilyn Showalter and Commissioner Richard Hemstad. The Commission heard oral comments from Bonnie L. Allen and Paul Curl, representing Commission staff; David Wiley, representing Door-to-Door Storage, Inc., and Shurgard Storage To Go, Inc.; Brian McCulloch, individual; and Deborah Chackos, representing General Administration, Office of State Procurement.
- 14 **SUGGESTIONS FOR CHANGE THAT HAVE NOT BEEN INCORPORATED INTO THE ADOPTED RULES:** Mr. McCulloch expressed his concern that the proposed rules perpetuate a system of regulation that he believes is not necessary. He asked the Commission to reject the proposed rules, and suggested that the Commission stop regulating household goods carriers and seek legislative change instead. Mr. McCulloch stated that he was opposed to the rule changes because he wanted to have things get as bad as possible to enlighten the legislature and support legislative change to eliminate regulation. Mr. McCulloch did not recommend changes to the proposed rules. The Commission decided to continue with the rulemaking because it cannot discontinue regulation if the existing laws require it. The Commission did not agree that rejecting or

revising the proposed rules to make things worse was an appropriate action to take, and adopted the changes to improve its ability to regulate the household goods moving industry.

- 15 Ms. Gilje suggested that we establish a standard estimate format in the rules. The Commission agrees that a standard format for estimates should be adopted, but believes such a change belongs in the household goods tariff and not in the rules. A standard bill of lading format, rates, charges, and valuation options are all established in the household goods tariff published by the Commission. Establishing a uniform estimate format in the tariff would be consistent with current practice, and allow more flexibility in amending the format if necessary to react quickly to consumer protection needs. The Commission will consider adopting a standard estimate format in the household goods carrier tariff when it considers the other tariff revisions that must be incorporated as a result of this rule adoption.
- 16 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission repealed, amended, and adopted the proposed rules, with the changes described below.
- 17 **CHANGES FROM PROPOSAL:** The Commission adopted the proposal with the following changes from the text noticed at WSR #00-09-079:
- The term “may not” has been added to the definitions.
  - The term “shipper” has been changed to “customer.”
  - When referring to the Commission, the personal pronoun “we” has been changed to “the commission.”
  - When referring to the household goods carrier, the personal pronoun “I” has been changed to “household goods carrier.”
  - Titles of rules that were stated in the form of a question have been changed to a statement.
  - The household goods tariff is named as the starting point for calculating the maximum rate in the rate band.
- The Commission also adopts minor typographical changes.
- 18 The changes from the proposal reflect minor revisions of terms and other editorial revisions that clarify and enhance understanding and do not change the meaning of any rule. The effect of the rules remains unchanged from the language originally noticed in the CR-102 at WSR #00-09-079.
- 19 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the Commission determines that WAC 480-15-030 should be repealed, WAC 480-15-010, WAC 480-15-020, WAC 480-15-260, WAC 480-15-490, WAC 480-

15-560, WAC 480-15-570, WAC 480-15-620, WAC 480-15-650, WAC 480-15-660, and WAC 480-15-740 should be amended, and WAC 480-15-035 should be adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation

Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

**ORDER**

THE COMMISSION ORDERS:

- 20 1. WAC 480-15-030 is repealed; WAC 480-15-010, WAC 480-15-020, WAC 480-15-260, WAC 480-15-490, WAC 480-15-560, WAC 480-15-570, WAC 480-15-620, WAC 480-15-650, WAC 480-15-660, and WAC 480-15-740 are amended; and WAC 480-15-035 is adopted as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).
- 21 2. This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.
- 22 3. The Commission adopts the Commission Staff memoranda, presented when the Commission considered filing a Preproposal Statement of Inquiry, when it considered filing the formal notice of proposed rulemaking, and when it considered adoption of this proposal, in conjunction with the text of this order, as its Concise Explanatory Statement of the reasons for adoption and for rejection of proposed changes, as required by RCW 34.05.025.

DATED at Olympia, Washington, this        day of June, 2000.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

*Note: The following is added at Code Reviser request for statistical purposes:*

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 10, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.