



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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April 9, 2018

NOTICE OF CORRECTION OF INITIAL ORDER

Re: *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against: DOLLY, INC., Docket TV-171212*

TO ALL PARTIES:

On March 29, 2018, the Washington Utilities and Transportation Commission (Commission) entered and served Order 02, its Initial Order in this proceeding. Staff filed a Petition for Review on April 2, 2018, arguing that Ordering paragraph 4 in Order 02, which requires Dolly, Inc. (Dolly) “to remove immediately its web-based application from the Internet and its presence from Facebook, Twitter, Pinterest, and any other social media sites or other platforms it uses or has used to make its services known,” is overbroad and could be construed as violating the Commerce Clause of the United States Constitution. Although Order 02 clearly is concerned with, and discusses exclusively, Dolly’s activities in the state of Washington, it is true that the quoted language from the order does not recognize that Dolly’s Internet presence is not limited to the state of Washington. Dolly, in fact, operates in states other than Washington and may rely on the same Internet presence and platforms in other states. Overlooking these facts is an obvious error in Order 02 that requires correction, as provided under WAC 480-07-875(2).

THE COMMISSION GIVES NOTICE that it will treat Staff’s petition as a “motion . . . to correct [an] obvious error” and by this notice enters a corrected order, which is attached.¹ The attached Order 02 (Corrected) reflects edits to paragraph 43 in the body of, and to ordering paragraph 4 of, the original Order 02. The edits, for ease of reference, are highlighted below in legislative format, as follows:

43 Viewing compliance as its paramount interest in proceedings such as this one, the Commission will suspend one half, or \$34,500, of the penalty amount conditioned on Dolly ceasing and desisting fully from activities such as described in this order that define it under the Commission’s governing statutes as a household goods carrier ~~under RCW 81.80.010(5)~~, a common carrier transporting property other

¹ WAC 480-07-875(2) also provides that the Commission may act on its own initiative to correct ministerial errors in orders, and Corrected Order 02 includes several copy edits that correct scrivener’s errors in the original.

than household goods (i.e., a motor freight carrier), and a solid waste hauler. This means, among other things, that Dolly will remove immediately must state clearly in its web-based application from on the Internet, and will remove immediately its presence from in its advertising on Facebook, Twitter, Pinterest, and any other social media sites or other platforms it uses or has used to make its services known that it does not offer or perform services in the state of Washington as a household goods carrier, as a common carrier transporter of property other than household goods, or as a solid waste hauler. The Commission will investigate whether the Company complies with this condition on, or shortly after, 10 days following the date this Initial Order becomes final by operation of law or following affirmation by the Commission on review. Any failure to comply with this condition at that time, or subsequently within a period of two years will be duly noticed by the Commission and the suspended penalty amount of \$34,500 will be due and payable within five days following the date of Commission notice without further action by the Commission.

- 56 (4) ~~Dolly Inc. is required to remove immediately its web-based application from the Internet and its presence from Facebook, Twitter, Pinterest, and any other social media sites or other platforms it uses or has used to make its services known.~~ state clearly in its web-based application on the Internet and in its advertising on Facebook, Twitter, Pinterest, and any other social media sites or other platforms it uses or has used to make its services known that it does not offer or perform services in the state of Washington as a household goods carrier, as a common carrier transporting property other than household goods, or as a solid waste hauler. The Commission will investigate whether the Company complies with this condition on, or shortly after, 10 calendar days following the date this Initial Order becomes final by operation of law or following affirmation by the Commission on review. Any failure to comply with this condition will be duly noticed by the Commission and the suspended penalty amount of \$34,500 will be due and payable within five days following the date of Commission notice, without further action by the Commission being required.

THE COMMISSION GIVES FURTHER NOTICE that the period during which parties may file petitions for, or the Commission may initiate, administrative review runs from the date of this notice, which corresponds with the service date of Order 02 (Corrected).

Sincerely,

DENNIS J. MOSS

Chief Judge

Washington Utilities and Transportation Commission