

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

DOLLY, INC.

for a permit to operate as a motor carrier of household goods and a permit to operate as a motor freight common carrier

DOCKET TV-190593  
(Consolidated)

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ORDER 02

GRANTING REQUEST TO  
WITHDRAW APPLICATIONS AND  
PETITIONS FOR EXEMPTION

**BACKGROUND**

- 1 On July 10, 2019, Dolly, Inc., d/b/a Dolly (Dolly or Company) filed an application for authority to operate as a household goods moving company (HHG Application) with the Washington Utilities and Transportation Commission (Commission) in Docket TV-190593, along with an accompanying Petition for Rule Exemption (First Petition) from the requirement that the Company file a United States Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) number (USDOT Number) in Docket TV-190594.<sup>1</sup>
- 2 On July 22, 2019, Dolly filed a second Petition for Rule Exemption in Docket TV-190594 (Second Petition) requesting two additional exemptions, from Washington Administrative Code (WAC) 480-15-530 and WAC 480-15-550, in conjunction with the Company's HHG Application.

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<sup>1</sup> On July 16, 2019, the Commission's Licensing Services Section sent a Notice of Deficient Application concerning the HHG Application. The HHG Application was defective as filed because the Company failed to include the necessary insurance exemption requests, proof of insurance, and identification for individuals listed on the HHG Application. The Company submitted an insurance-related exemption request on July 22, 2019, and further supplemented its HHG Application on July 26, 2019, and August 7, 2019.

- 3 On August 13, 2019, Dolly filed a Motion for Leave to Amend Petition for Rule Exemption, along with an Amended Petition for Rule Exemption, in Docket TV-190594, seeking to amend and consolidate the First Petition and Second Petition, and to add requests for exemptions from: WAC 480-15-555; WAC 480-15-620; WAC 480-15-630; WAC 480-15-710; WAC 480-15-750; and WAC 480-15-490.<sup>2</sup> Commission staff (Staff) did not oppose the Company's request.
- 4 On August 21, 2019, the Commission received Dolly's Petition for Exemption from WAC 480-14-250(1)(e) (CC Exemption Petition) in conjunction with a concurrently filed application for a permit to operate as a common carrier of property (excluding household goods) filed in Docket TV-190594 (CC Application).<sup>3</sup>
- 5 On August 22, 2019, the Commission issued a Notice Permitting Amended Petition, adding the newly requested exemptions with those sought in the First Petition and Second Petition, and consolidating them under a single Amended Petition pertaining to the Company's HHG Application (Amended HHG Exemption Petition).
- 6 On September 9, 2019, Staff filed responses and recommendations concerning the Company's CC Exemption Petition.
- 7 On September 11, 2019, Staff filed responses and recommendations concerning the Company's Amended HHG Exemption Petition.
- 8 On October 23, 2019, the Commission entered Order of Consolidation; Notice of Intent to Deny Applications for Permanent Authority; Notice of Intent to Deny Petitions for Exemption; Notice of Prehearing Conference (Order 01), setting a prehearing conference for November 12, 2019. On November 7, 2019, the Commission issued a notice continuing the prehearing conference to November 18, 2019, at Staff's unopposed request.
- 9 The Commission convened a prehearing conference at Lacey, Washington, on November 18, 2019, before Administrative Law Judge Gregory J. Kopta
- 10 Donna Barnett, of Perkins Coie, LLP, Seattle, Washington, appeared on behalf of Dolly and announced Dolly's intention to request to withdraw its applications and petitions, stating that it had filed a letter making that request (Request). The Commission received the letter and Barnett's written notice of appearance on November 18, 2019. Staff, represented by

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<sup>2</sup> On August 13, 2019, Dolly also filed a Request for Permission to File an Individual Tariff and an accompanying draft Dolly, Inc., Individual Tariff in Docket TV-190594, which Commission staff rejected as incomplete and premature on August 20, 2019.

<sup>3</sup> On August 21, 2019, the Commission's Licensing Services Section sent a Notice of Deficient Application concerning the CC Application. The CC Application was defective as filed because the Company failed to include the necessary insurance exemption requests.

Assistant Attorneys General Sally Brown and Daniel J. Teimouri, and the Public Counsel Unit of the Attorney General's Office (Public Counsel), represented by Assistant Attorney General Nina Suetake, responded orally to the Request. Neither party directly opposed the Request, but Staff expressed reservations regarding Dolly's intent and past history with the Commission.

### DISCUSSION AND DECISION

- 11 A company must obtain the Commission's permission to withdraw its application once an adjudicative proceeding is underway, and the Commission will only grant a request for withdrawal if doing so is in the public interest.<sup>4</sup> Dolly has a history of repeatedly filing substantially similar applications with the Commission, which has required Staff and the Commission to invest significant time and effort to analyze and respond to the Company's requests. This pattern is burdensome on Staff, the Commission's Administrative Law Division, and Public Counsel. Perpetuation of such a duplicative and wasteful process is not in the public interest.
- 12 Dolly, however, represented at the prehearing conference that it has no intention of filing a similar application again without a significant restructure of the Company's business operations, or until it is able to file an application with Staff's stipulated approval. We expect no less. The Commission has previously explained in prior dockets what Dolly must do to comply with existing statutes and Commission rules governing household goods movers and common carriers.<sup>5</sup> We do not see the need to do so again. Nor do we find any other grounds to compel Dolly to pursue the applications and petitions the Company has filed in these dockets when Dolly no longer seeks Commission authority to operate as a public service company, at least as long as the Company accurately represented at the prehearing conference that it is not currently doing business as a household goods mover or common carrier in the state of Washington without the required authority. We therefore grant Dolly's request to withdraw its applications and petitions.

### ORDER

- 13 The Commission grants Dolly's Request to Withdraw Applications and Petitions for Exemptions and closes these dockets.

DATED at Lacey, Washington, and effective December 3, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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4 WAC 480-07-380(3).

<sup>5</sup> *E.g.*, *In re Application of Dolly*, Docket TV-180605, Order 01 Denying Application ¶ 25 (Feb. 14, 2019).

*/s/ Gregory J. Kopta*  
**GREGORY J. KOPTA**  
Administrative Law Judge