

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the)	
)	DOCKET NO. TV-031701
)	
Cancellation of Temporary Authority)	ORDER NO. 01
to Operate as a Household Goods)	
Carrier Held by The Moving Club,)	ORDER CANCELLING TEMPORARY
Inc.)	AUTHORITY AND DENYING
)	APPLICATION FOR PERMANENT
)	AUTHORITY
.....)	

1 **Synopsis:** *The Commission cancels the temporary authority to operate as a household goods carrier held by The Moving Club, Inc., for failure to comply with the order establishing terms for the temporary authority. The Commission also dismisses The Moving Club, Inc.'s application for permanent authority to operate as a household goods carrier.*

2 **Proceedings:** The Commission served upon The Moving Club, Inc., a notice of pending cancellation of authority on October 21, 2003. The notice stated that The Moving Club, Inc., appeared to be in violation of the order granting authority, and stated that unless The Moving Club, Inc., came into compliance with the order on or before a stated date, the Commission would terminate the carrier's temporary authority and dismiss its application for permanent authority. The notice offered The Moving Club, Inc., the option of retaining its temporary authority (1) by submitting a certified statement making certain declarations as required by the order granting temporary authority and (2) by allowing Commission Staff to inspect the Company's vehicles and documents. The notice also offered The Moving Club, Inc., a hearing in which to challenge any aspect of the proposed cancellation. The Moving Club, Inc., failed to request a hearing, failed to provide the required statements, failed to allow inspection of its vehicles, and failed to respond to the notice in any way.

I. BACKGROUND

3 The Washington Utilities and Transportation Commission (Commission) granted The Moving Club, Inc., temporary authority to transport household goods within the State of Washington. *In re The Moving Club, Inc.*, App. No. P-78676, M.V. Order No. 150741 (December 12, 2001) (Order Granting Temporary Authority). In the Order Granting Temporary Authority, The Moving Club was required to allow periodic inspections by Commission Staff of its vehicles and documents. The Moving Club was also required to file no later than January 12, 2002, a certified statement that declared the following:

- Employees of The Moving Club involved in soliciting, selling, or booking moves, estimating costs, or billing customers are sufficiently trained and have enough experience to comply with all laws and rules relating to economic regulation and Tariff 15-A or, in lieu of such training and experience, the employees would attend a Commission-sponsored training;
- Employees of The Moving Club involved in operating or maintaining vehicles, dispatching or hiring drivers, or ensuring compliance with safety regulations are sufficiently trained and have enough experience to comply with all laws and rules relating to safety regulation or, in lieu of such training and experience, the employees would attend a Commission-sponsored training; and
- The Moving Club has removed and canceled all advertising that did not meet the requirements of RCW 81.80.355 and 81.80.357.

4 On October 21, 2003, the Commission notified The Moving Club of the pending cancellation of its temporary household goods permit for failure to meet the

terms and conditions required by the Order Granting Temporary Authority. The Commission served the notice on The Moving Club by both regular and certified mail to the address on record with the Commission. *See* WAC 480-15-110. The certified mailing included a request for a return receipt. The Commission received a signed return receipt, indicating that The Moving Club received the notice.

- 5 The notice informed The Moving Club that it could retain the temporary authority by submitting the required certified statement and allowing Staff to inspect the Company's documents and vehicles by October 31, 2003. The notice stated that failure to do so would result in cancellation of its temporary authority and dismissal of its application. The Moving Club was also notified that it could request a hearing by October 31, 2003, to challenge the information contained in the notice.

II. COMPANY RESPONSE TO NOTICE OF CANCELLATION

- 6 The Moving Club failed to submit the certified statement required by the Order Granting Temporary Authority as requested by the October 21, 2003 notice. The Moving Club did not contact Staff to conduct an investigation of the Company's vehicles and documents before October 31, 2003. The Moving Club did not request a hearing in response to the notice. The Moving Club did not respond to the notice in any other way.

III. DISCUSSION AND DECISION

- 7 The Commission granted The Moving Club temporary authority to transport household goods in the State of Washington pursuant to RCW 81.80.170 and WAC 480-15-280. The Commission exercised its authority to impose conditions on the provisional authority. *WAC 480-15-300*. Under RCW 81.80.280 and WAC 480-15-320, the Commission may cancel a company's temporary authority.

- 8 The Commission properly served upon The Moving Club a notice of pending cancellation of authority and provided The Moving Club with an opportunity to respond. The Moving Club failed to respond to the notice, either by obtaining and demonstrating regulatory compliance or by requesting a hearing. The Moving Club did not request an extension of time for compliance. As a result, the Commission should cancel the temporary authority to transport household goods in the State of Washington held by The Moving Club pursuant to RCW 81.80.280 and WAC 480-15-320. In addition, the Commission should dismiss The Moving Club's application for permanent authority due to failure to meet the conditions of the temporary authority. *WAC 480-15-330(2)*.
- 9 Operating as a household goods carrier without the proper authority from the Commission is forbidden by RCW 81.80.070 and may result in further administrative or Superior Court action against the Company.

IV. FINDINGS OF FACT

- 10 Having discussed above all issues material to this matter, and having stated our general findings, the Commission now makes the following summary findings of fact. Those portions of the preceding discussion that include findings pertaining to the ultimate facts of the Commission are incorporated by this reference.
- 11 (1) The Washington Utilities and Transportation Commission (Commission) is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including household goods carriers.
- 12 (2) The Moving Club, Inc., is a household goods carrier holding temporary authority to transport household goods in the State of Washington.

- 13 (3) The Commission conditioned its grant of temporary authority to The Moving Club, Inc., with certain requirements, including the submission of certain information to the Commission and the inspection by Commission Staff of The Moving Club, Inc.'s operating equipment. The Commission found that The Moving Club, Inc., appeared to have failed to comply with the requirements of that order.
- 14 (4) On October 21, 2003, the Commission served a notice upon The Moving Club, Inc., informing the Company of the Commission's intent to cancel the Company's temporary authority and dismiss its application for permanent authority for failure to meet the conditions set forth in the Order Granting Temporary Authority. The notice offered The Moving Club, Inc., the opportunity to perform the required but omitted actions and the opportunity for a hearing to dispute any finding of asserted failure to comply with the terms of the Order Granting Temporary Authority.
- 15 (5) The Moving Club, Inc., did not respond to the Commission's notice of pending cancellation.
- 16 (6) The Moving Club, Inc., did not meet the conditions set forth in the Order Granting Temporary Authority.

V. CONCLUSIONS OF LAW

- 17 Having discussed in detail all issues material to this matter, and having stated general conclusions, the Commission now makes the following summary conclusions of law. Those portions of the preceding discussion that state conclusions pertaining to the ultimate decisions of the Commission are incorporated by this reference.

- 18 (1) The Washington Utilities and Transportation Commission (Commission) has jurisdiction over the subject matter of and the parties to this proceeding. *RCW 80.01.040; Chapter 81.80 RCW; Chapter 480-15 WAC.*
- 19 (2) The Moving Club, Inc., is a public service company as defined in RCW 81.04.010.
- 20 (3) The Commission has the authority to cancel a household goods carrier's temporary authority. *RCW 81.80.28; WAC 480-15-320.*
- 21 (4) The Commission should cancel The Moving Club, Inc.'s, temporary authority to transport household goods in the State of Washington because The Moving Club, Inc., failed to comply with the Order Granting Temporary Authority and failed to request a hearing upon any contested issue.
- 22 (5) The Commission has the authority to either grant or deny an application for permanent authority to transport household goods in the State of Washington. *WAC 480-15-330.* Dismissal of an application is a lesser included procedural mechanism.
- 23 (6) The Commission should dismiss The Moving Club, Inc.'s, application for permanent authority for failure to meet the conditions imposed on its temporary authority.

IV. ORDER

- 24 (1) The Commission cancels household goods permit No. HG-58689, which is the temporary authority to transport household goods in the State of Washington held by The Moving Club, Inc.

- 25 (2) The Commission dismisses The Moving Club, Inc.'s, application for permanent authority to transport household goods in the State of Washington.
- 26 (3) The Commission retains jurisdiction of the subject matter and the parties to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective this 13th day of January 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.