

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

Happiest Movers LLC

For Exemption From Provisions of WAC
480-15-302(11); For a Permit to Operate as
a Household Goods Carrier

DOCKET TV-220920

ORDER 01

GRANTING PETITION FOR
EXEMPTION; GRANTING
APPLICATION FOR HOUSEHOLD
GOODS PERMIT

BACKGROUND

- 1 On September 15, 2022, the Washington Utilities and Transportation Commission (Commission) cancelled the provisional household goods permit held by Happiest Movers LLC (Happiest Movers or Company) for failure to file acceptable proof of insurance as required by WAC 480-15-530(1).
- 2 On December 13, 2022, in response to an inquiry about the reinstatement process, Commission staff (Staff) informed Happiest Movers that because it had failed to contest the cancellation or seek permit reinstatement within 30 days, the Company is prohibited by the terms of WAC 480-15-302(11) from reapplying for operating authority for 12 months from the date its permit was cancelled.
- 3 On December 14, 2022, Happiest Movers filed an Application for Reinstatement and a Petition for Exemption from WAC 480-15-302(11) (Petition) with the Commission.
- 4 Happiest Movers explains in its Petition that the Company's owner, Timothy Irwin, had left Washington state for a family emergency. During this time, the Company was not operating and could not pay insurance premiums. Timothy Irwin returned to Washington and obtained the necessary insurance for a household goods carrier in the state of Washington. The Commission received the required documentation of these policies as required by WAC 480-15-530(1).
- 5 Prior to submitting its Petition and Application, Happiest Movers purchased commercial automobile liability insurance from United Financial Casualty Company. The Company's cargo insurance policy issued by General Insurance Company of America has been in

effect since April of 2022, prior to permit cancellation. Both United Financial Casualty Company and General Insurance Company of America are admitted by the Office of the Insurance Commissioner to write such policies within the state of Washington.

6 Staff does not oppose the Company's request for an exemption. The Commission issued the original provisional household goods permit on April 15, 2022, and cancelled the permit due to lack of insurance on September 15, 2022. Other than the approximately three months time during which the Company was unable to operate and pay for insurance, staff has no knowledge of any issues or complaints against the Company. Happiest Movers was able to obtain insurance from authorized insurance companies, thereby meeting the insurance requirements of WAC 480-15-530. Staff does not have any concerns about the Company's fitness to operate and supports the Company's request to reinstate its household goods permit.

DISCUSSION

7 We grant the Company's request for an exemption from WAC 480-15-302(11), and thus grant the Application, for the reasons discussed below.

8 WAC 480-07-110 provides that the Commission "in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes."

9 Under WAC 480-07-110(2)(c), the Commission applies the public interest standard to determine whether to grant a requested exemption. Factors we may consider include whether the rule imposes an undue hardship on the requesting person of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule to the requesting person would be contrary to the underlying purposes of the rule and the public interest.

10 We find that it would be contrary to the public interest to deny the exemption, and therefore the Application, when the owner is fully capable to operate a permitted household goods company. The rules in WAC 480-15-302(11) are designed to determine a company's fitness to operate as a household goods carrier. Healthy small businesses are essential to the overall strength of the state's economy. Staff has stated it has no concerns with the Company's fitness to operate and recommends approving the Application. Penalizing a small business that has corrected the cause of its permit cancellation would

be contrary to the stated public goal of creating “sound economic conditions” for household goods carriers. Therefore, granting the exemption does not run contrary to the underlying purposes of the rule or the public interest.

11 For the reasons explained above, the Commission finds that granting the Permit Application is consistent with the purposes underlying regulation, applicable statutes, and the public interest. Accordingly, we conclude that the exemption should be granted, and that the Company’s Application should be approved 30 days from the application filing date in accordance with RCW 81.80.075(2).

FINDINGS AND CONCLUSIONS

- 12 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property, and affiliated interest transactions of public service companies, including household goods companies.
- 13 (2) On September 15, 2022, the Commission cancelled the temporary household goods carrier permit held by Happiest Movers for failure to submit acceptable proof of insurance.
- 14 (3) The Company did not contest the cancellation or seek reinstatement of its permit within 30 days, as required by WAC 480-15-450(4). On December 14, 2022, Happiest Movers filed with the Commission a petition for exemption from WAC 480-15-302(11) and an Application for the reinstatement of its household goods carrier permit, approximately two months after the 30-day deadline.
- 15 (4) Staff supports the Company’s request for exemption and recommends the Company’s permit be reinstated.
- 16 (5) WAC 480-07-110 provides that the Commission “in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes.”
- 17 (6) Granting the Petition for exemption from WAC 480-15-302(11) is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

- 18 (7) This matter came before the Commission at its regularly scheduled meeting on January 12, 2023.
- 19 (8) Granting the Company's petition for exemption from WAC 480-15-302(11) is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

ORDER

THE COMMISSION ORDERS:

- 20 (1) Happiest Movers LLC's petition for exemption from WAC 480-15-302(11) is granted.
- 21 (2) Happiest Movers LLC's Application for authority to operate as a household goods carrier is approved, effective January 16, 2023, in accordance with RCW 81.80.075(2).
- 22 The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective January 12, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary