

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment  
Against

MIRACLE MAN MOVERS, LLC

In the amount of \$8,000

DOCKET TV-220511

In the Matter of the Investigation of

MIRACLE MAN MOVERS, LLC

For Compliance with WAC 480-15-555,  
WAC 480-15-560, WAC 480-15-570, and  
WAC 480-15-590

DOCKET TV-230503

COMMISSION STAFF'S MOTION  
TO CONSOLIDATE DOCKETS AND  
IMPOSE SUSPENDED PENALTIES

**I. INTRODUCTION**

1           In Docket TV-220511, the Commission imposed on Miracle Man Movers, LLC (Miracle Man) an \$8,000 penalty for violations of the regulations governing the safe operation of household goods carriers. The Commission suspended a \$5,000 portion of that penalty conditioned upon, among other things, Miracle Man's avoidance of repeat critical violations of the Commission's safety rules for a period of two years.

2           In Docket TV-230503, the Commission, through its regulatory staff (Staff), complained against Miracle Man for new violations of the Commission's household goods carrier safety rules. Some of the violations alleged by Staff are repeat critical violations. The matter is set for hearing in August 2023.

3           The Commission's imposition of suspended penalties in Docket TV-220511 will turn on whether it determines that Miracle Man committed repeat violations in Docket TV-230503. Consolidating the two matters will thus provide for administrative efficiency. The

Commission, accordingly, should grant Staff's motion and consolidate the matters and then impose the suspended penalties if it finds that Miracle Man committed repeat violations in Docket TV-230503.

## II. RELIEF REQUESTED

4 Staff respectfully requests that the Commission (1) consolidate Docket TV-220511 and TV-230503 given the factual and legal overlap between the dockets, and (2) impose the penalty suspended in Docket TV-220511 if it finds in Docket TV-230503 that Miracle Man has committed repeat critical violations.

## III. STATEMENT OF FACTS

5 In October of 2022, the Commission entered Order 02 in Docket TV-220511. In that order, the Commission found that Miracle Man had committed critical or critical-type violations of WAC 480-15-555 and WAC 480-15-570 by failing to perform criminal background checks on employees and failing to require drivers to make a record of duty status.<sup>1</sup> Based on its finding that Miracle Man committed those and other violations, the Commission imposed a penalty of \$8,000.<sup>2</sup> But the Commission suspended \$5,000 of that penalty,<sup>3</sup> subject to Miracle Man, among other things, avoiding "any repeat critical violations of WAC 480-15 upon re-inspection."<sup>4</sup>

6 Staff performed that re-inspection in June of 2023. When doing so, staff discovered critical or critical-type violations of WAC 480-15-555 and WAC 480-15-570 of the same types as those found in Docket TV-220511.<sup>5</sup> The Commission, through Staff, has

---

<sup>1</sup> *In re Investigation of Miracle Man Movers, LLC*, Docket TV-220511, Order 02, at 5 ¶¶ 16-18, 7 ¶¶ 29-30 (Oct. 11, 2022).

<sup>2</sup> *Id.* at 9 ¶ 41.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*; *id.* at 8 ¶ 33.

<sup>5</sup> *In re Investigation of Miracle Man Movers, LLC*, Docket TV-230503, 2 ¶ 8 (July 13, 2023).

complained against Miracle Man for those violations,<sup>6</sup> and the matter is set for hearing on August 8, 2023.<sup>7</sup>

#### IV. STATEMENT OF ISSUES

7           Should the Commission (1) consolidate Dockets TV-220511 and 230503, and (2) impose the suspended penalty?

#### V. EVIDENCE RELIED UPON

8           Staff relies upon the evidence in the record in these two matters as well as the evidence that it will produce at hearing on August 8, 2023.

#### VI. ARGUMENT

9           Dockets TV-220511 and TV-230503 are closely intertwined. The Commission’s disposition of Staff’s motion in the former is controlled by the facts its finds in the latter. The Commission should consolidate the two cases and then impose the suspended penalty in Docket TV-220511 if it determines in Docket TV-230503 that Miracle Man committed repeat critical violations.

##### **A.     The Commission Should Consolidate Dockets TV-220511 and TV-230503**

10          The Commission’s rules allow parties to move to consolidate of proceedings if their “facts or principles of law are related.”<sup>8</sup> The Commission exercises its discretion to consolidate overlapping dockets based on whether the consolidation serves the ends of

---

<sup>6</sup> *Id.* at 3 ¶ 10.

<sup>7</sup> *Id.* at 7 ¶ 28.

<sup>8</sup> WAC 480-07-320.

“judicial economy and administrative efficiency”<sup>9</sup> and whether it would “unduly delay the resolution of one or all of the proceedings.”<sup>10</sup>

11 Dockets TV-220511 and TV-230503 share related facts. The Commission’s disposition of Staff’s motion to impose the suspended penalties in Docket TV-220511 and its disposition of Staff’s complaint in Docket TV-230503 depend on the exact same facts: whether Miracle Man committed the violations alleged in TV-230503.

12 Consolidation serves the interests of judicial economy and administrative efficiency and does not delay the resolution of any proceeding. Again, what happens with Staff’s motion in Docket TV-220511 depends on the facts the Commission finds in Docket TV-230503. Consolidation allows the Commission to efficiently dispose of both matters in one hearing and with one order. And given the interrelation of the two dockets, consolidation does not delay either: the Commission should adjudicate both matters simultaneously.

**B. The Commission Should Impose the Suspended Penalty in Docket TV-220511 if it Finds Repeat Violations in Docket TV-230503**

13 The Commission in Docket TV-220511 imposed an \$8,000 penalty, but suspended a \$5,000 portion of the penalty, subject to Miracle Man’s compliance with certain conditions.<sup>11</sup> One of those conditions required the company to refrain from incurring repeat violations in a follow-up compliance review.<sup>12</sup>

14 Staff alleges that Miracle Man committed repeat critical violations, and that Staff discovered these violations in a follow-up compliance review. The Commission will hear

---

<sup>9</sup> *In re Determining the Proper Classification of Lowper, Inc. d/b/a Lowper Corp., a/k/a Lowper Water Co. & Iliad inc. d/b/a Lowper Water Sys.*, Dockets UW-091006 & UW-110213 (Consolidated), Order 02/Order 01, 2 ¶ 5 (Mar. 24, 2011).

<sup>10</sup> *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy*, Dockets UE-111048 & UG-111049 (Consolidated) & UG-110723, Order 04, at 4 ¶ 8 (Sept. 7, 2011).

<sup>11</sup> *In re Investigation of Miracle Man Movers, LLC*, Docket TV-220511, Order 02, 9 ¶ 41.

<sup>12</sup> *Id.* at 8 ¶ 33.

those allegations on August 8, 2023. If it finds that Miracle Man committed repeat critical violations, it should impose the portion of the penalty suspended in Docket TV-220511.

## VII. CONCLUSION

15 Staff requests that the Commission consolidate Dockets TV-220511 and TV-230503 and, if it finds that Miracle Man committed repeat violations in Docket TV-230503, lift the suspension of penalties in Docket TV-220511 and require Miracle Man to pay the remaining balance of the penalty.

DATED this 25th day of July 2023.

Respectfully submitted,

ROBERT W. FERGUSON  
Attorney General

*/s/ Jeff Roberson*, WSBA No. 45550  
Senior Assistant Attorney General  
Office of the Attorney General  
Utilities and Transportation Division  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 522-0614  
jeff.roberson@atg.wa.gov