

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

|   |   |                             |
|---|---|-----------------------------|
| In re Application P-79239 of            | ) |                             |
|   | ) |                             |
|   | ) | DOCKET NO. TV-031978        |
| BRIAN HEGLAND & AYMAN SMITH             | ) |                             |
| d/b/a BRIVON MOVING SERVICE             | ) |                             |
|   | ) | ORDER GRANTING TEMPORARY    |
| for permanent authority to operate as a | ) | AUTHORITY SUBJECT TO        |
| motor carrier of household goods        | ) | CONDITIONS PENDING DECISION |
|   | ) | ON PERMANENT AUTHORITY      |
| .....                                   | ) |                             |

**I. SYNOPSIS**

1 The Commission grants to Brian Hegland and Ayman Smith, d/b/a Brivon Moving Service, temporary authority to provide service on a provisional basis for at least six months. During this time the Commission will evaluate whether Brian Hegland and Ayman Smith, d/b/a Brivon Moving Service, has met the criteria in WAC 480-15-330 to obtain permanent authority. The temporary authority is granted subject to conditions that the Commission finds are reasonable and necessary as outlined in this order.

**II. BACKGROUND**

2 On December 3, 2003, Brian Hegland and Ayman Smith, d/b/a Brivon Moving Service, filed Application P-79239 with the Washington Utilities and Transportation Commission, under the provisions of RCW 81.80 RCW and WAC 480-15, requesting permanent authority to transport household goods in the state of Washington.

3 WAC 480-15-280 requires applicants for permanent authority to operate under temporary authority on a provisional basis for at least six months during which time, the Commission will evaluate whether the applicant has met the criteria in WAC 480-15-330 for obtaining permanent authority.

- 4 The Commission has stated that when it grants authority under WAC 480-15, it may do so subject to conditions that are reasonable and necessary.
- 5 The Commission is fully advised of the need for service and the qualifications of the Applicant to provide such service and makes the following findings of fact, conclusions of law, and order.

### III. FINDINGS OF FACT

- 6 The Washington Utilities and Transportation Commission is an agency of the state of Washington, vested by statute with the authority to regulate common carriers, including those carriers who transport household goods, by supervising the accounts, service, and safety of operations; requiring filing of reports and data; granting and denying applications for authority; and supervising and regulating all matters affecting those carriers' relationships with competing carriers, the shipping public, and the general public.
- 7 Brian Hegland and Ayman Smith, d/b/a Brivon Moving Service, seeks permanent authority to transport household goods in the state of Washington.
- 8 Commission Staff supports a temporary grant of authority for at least six months during which time, the Commission will evaluate whether the applicant has met the criteria in WAC 480-15-330 for obtaining permanent authority.
- 9 The Commission will deem the Applicant to be fit, willing, and able to provide the service it proposes under temporary authority and on a provisional basis if it complies with the following conditions:
- (1) Within 15 days of the service of this order, the applicant must file with the Commission a certified statement declaring that:
    - (a) All employees involved in soliciting traffic, selling or booking moves, estimating the cost of moves, or preparing bills for consumers are sufficiently trained, have enough experience in the industry to comply with all laws and rules relating to economic regulation and all provisions of Tariff 15A or, in lieu of such training or experience, the Applicant will make arrangements for employees to attend Commission-sponsored training;

- (b) All employees involved in the operation or maintenance of vehicles, the dispatch or hiring of drivers, or who oversee compliance with safety regulations are sufficiently trained or have sufficient experience in the industry to comply with all laws and rules relating to safety in the transport of household goods or, in lieu of such training or experience, the Applicant will make arrangements for employees to attend Commission-sponsored training; and
  - (c) The Applicant has canceled or removed all advertising in existence prior to the grant of this authority that did not meet the requirements of RCW 81.80.355 and .357, and all further advertising will comply with those requirements.
- (2) The Applicant must provide a copy of the customer survey questionnaire (with proper postage applied) to each customer for whom it provides household goods transportation services under the authority granted in this order.
  - (3) The Commission may require, and the applicant must agree to:
    - (a) Allow periodic inspections by Commission Staff; and
    - (b) Submit any records or documents that the Commission requests.
- 10 The Commission finds that granting temporary authority to provide service on a provisional basis will meet a public need for service, increase consumer choice, and allow the Commission to evaluate whether Brian Hegland and Ayman Smith, d/b/a Brivon Moving Service, has met the criteria in WAC 480-15-330 to obtain permanent authority.

#### IV. CONCLUSIONS OF LAW

- 11 The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of and all parties to this proceeding.

12 It is consistent with the public interest to grant temporary authority and issue a permit to Brian Hegland and Ayman Smith, d/b/a Brivon Moving Service, authorizing the transportation of household goods in the state of Washington for a period of six months, during which time the Commission will evaluate whether Brian Hegland and Ayman Smith, d/b/a Brivon Moving Service, has met the criteria in WAC 480-15-330 to obtain permanent authority.

### V. ORDER

13 The Commission grants the authority requested in Application P-79239, to Brian Hegland and Ayman Smith, d/b/a Brivon Moving Service, to operate as a motor carrier of household goods in the state of Washington, on a temporary basis, subject to the conditions in this Order.

14 The grant of authority is to allow the applicant an opportunity to provide service as a household goods carrier on a provisional basis for at least six months. During this time the Commission will evaluate whether the applicant has met the criteria for obtaining permanent authority.

15 The grant of authority is only effective while the applicant complies with all the terms and conditions of this Order.

16 By granting this authority, the Commission does not prejudice in any way the action the Commission may take on this applicant's request for permanent authority, nor the standards or interpretations the Commission will apply in its consideration of such application.

17 The Commission may cancel the authority granted by this Order any time after the date the Commission issues a permit, if it finds that:

- (1) This temporary authority was not issued in the public interest;
- (2) The grant of authority was based on fraud, misrepresentation, or erroneous information from the applicant;
- (3) The Applicant violates applicable laws or rules affecting the public health, safety, or welfare;

- (4) The Applicant repeatedly fails or refuses to comply with applicable laws or rules pertaining to operations of household goods carriers;
- (5) The Applicant fails to supply requested information to the Commission for the performance of its regulatory functions;
- (6) The Commission discovers the Applicant submitted false, inaccurate or misleading information to the Commission or its staff;
- (7) The Applicant allows others to transport household goods under the authority granted in this Order;
- (8) The applicant fails to comply with the conditions in this Order or with the terms of the permit.

18 The authority granted in this order is effective until the Commission, by further order, grants, denies, or dismisses the application for permanent authority in Application P-79239 or otherwise cancels the authority granted.

DATED at Olympia, Washington, and effective this 15<sup>th</sup> day of December, 2003.

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner