

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

INDUSTRY MOVERS, INC.

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

DOCKET TV-230785

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS
**(Set for November 14, 2023, at 1:30
p.m.)**

- 1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its regulatory staff (Staff), alleges as follows:
- 2 The Commission is an agency of the state of Washington authorized by statute to regulate the rates, services, facilities, and practices of public service companies, including household goods carriers.
- 3 Industry Movers, Inc. (Industry Movers or Company) is a Washington company engaging in business as a household goods carrier. The Company currently holds Commission-issued provisional permit number THG069879.
- 4 The Company began operations as a household goods carrier in September 2021 under a provisional permit of authority.¹
- 5 In September 2023, Staff completed a routine investigation of the Company and documented, in an investigation report dated September 21, 2023, that the Company had committed two critical violations of regulations and ten total violations, resulting in a proposed conditional safety rating.²

¹ See Investigation Report of Arber Demiri, 9.

² *Id.* at 3-4.

- 6 A carrier may request a change in its safety rating based on evidence that it has taken corrective actions to address the identified violations and that company operations currently meet the safety fitness standard specified in 49 CFR § 385.5 and § 385.7.
- 7 The Commission will grant permanent operating authority to a carrier that successfully completes its provisional period. Doing so requires the carrier to, among other things, receive a satisfactory safety rating in a review conducted by Staff. WAC 480-15-305(1)(c). If a carrier fails to receive a satisfactory safety rating within 18 months of obtaining its provisional permit, the Commission will cancel the carrier's provisional permit and dismiss the company's application for permanent authority unless the Commission finds good cause to extend the provisional period. WAC 480-15-305(3).
- 8 Under the circumstances presented in this case, the Commission determines that it will afford Industry Moving the same opportunity as companies that have received a proposed unsatisfactory rating to provide evidence, in the form of an approved safety management plan, showing that it has taken corrective action to address the identified violations. Industry Moving must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than November 20, 2023. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective November 21, 2023. Thereafter, as an unregistered company, Industry Moving would be prohibited from providing household goods carrier service in the state of Washington.
- 9 **THE COMMISSION GIVES NOTICE that it intends to cancel the permit and authority of Industry Movers to provide services as a household goods carrier effective November 21, 2023, for cause, following a hearing on the factual allegations set out above, unless Industry Movers obtains Commission approval of a safety management plan prior to that date.**
- 10 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel Industry Moving's household goods carrier permit.
- 11 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 1:30 p.m., on November 14, 2023. To participate by phone, call (253) 215-8782 and enter the Conference ID: 842 2111 6005# and use the Passcode: 852312#. To attend via Zoom, use the following link: [Click here to join the meeting.](#)**
- 12 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.

- 13 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Lacey, Washington, copies of documents in the current record for use by the parties or others who may want to review them.
- 14 **Industry Movers must submit its proposed safety management plan no later than 5:00 p.m. on October 31, 2023.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5:00 p.m. on November 7, 2023**, and bring an original and three (3) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140 and -145.
- 15 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 16 The names and mailing addresses of all parties and their known representatives are shown as follows:
- Commission: Washington Utilities and
Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503
- Representative: Colin O'Brien
Assistant Attorney General
7141 Cleanwater Dr. SW PO Box 40128
Olympia, WA 98512
(360) 586-6413
colin.obrien@atg.wa.gov
- Respondent: Erika Lundy
1814 188th Street Ct. E
Spanaway, WA 98387
- 17 Administrative Law Judge Bijan Hughes, from the Commission's Administrative Law Division, will preside during this proceeding.³

³ Judge Hughes can be reached at bijan.hughes@utc.wa.gov or (360) 664-1254.

DATED at Olympia, Washington and effective October 4, 2023.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

KATHY HUNTER
Acting Executive Director and
Secretary

Inquiries may be addressed to:

Executive Director and

Secretary

Washington Utilities and Transportation

Commission

621 Woodland Square Loop S.E.

Lacey, WA 98503

(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____