

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of  
  
VICTORY MOVING & LABOR LLC,  
  
For a Permit to Operate as a Household  
Goods Carrier

DOCKET TV-200679  
  
ORDER 01  
  
GRANTING EXEMPTION;  
GRANTING APPLICATION  
FOR HOUSEHOLD GOODS  
PERMIT

**BACKGROUND**

- 1 On November 13, 2019, the Washington Utilities and Transportation Commission (Commission) cancelled the provisional household goods permit held by Victory Moving & Labor LLC (Victory Moving or Company) for failure to submit acceptable proof of insurance.
- 2 On July 21, 2020, in response to a telephone inquiry about the reinstatement process, Commission staff (Staff) advised Victory Moving that because the Company had failed to contest the cancellation or seek reinstatement of its permit 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 July 23, 2020, Victory Moving filed with the Commission an application for the reinstatement of its household goods carrier permit (Application).
- 4 On July 23, 2020, in conjunction with the Application, Victory Moving filed with the Commission a petition for exemption from WAC 480-15-302(11) (Petition).
- 5 The Company explains in its Petition that the Company’s owner, Christina Dunlap, was not aware of the terms of WAC 480-15-302(11). The Company further explains that it deliberately cancelled its insurance and left the household goods moving industry to attend to a family tragedy, which required obtaining care for a paralyzed adult child. Christina Dunlap has secured adequate care for her son and is now ready to return to her moving business.

6 Staff does not oppose the Company's request for an exemption. The circumstances leading to Victory Moving temporarily shutting down were not business related. Although the Company only operated in provisional status from April 2019 through November 2019, Victory Moving did not receive any safety violations or consumer complaints. Staff does not have any concerns about the Company's fitness to operate and supports the Company's request to reinstate its provisional 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 480-15-302 lists the Commission's criteria for granting authority to engage in business as a household goods carrier. Specifically, WAC 480-15-302(11) provides that the Commission will not grant provisional authority if it has cancelled, for cause, a permit held by the applicant within the previous 12 months. Therefore, the Commission may not approve the Company's Application unless the Commission grants an exemption from the rule.

9 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."

10 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 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.

11 First, the Commission finds that the rule imposes an undue hardship on Victory Moving to a degree "different from the hardships imposed on other similarly situated persons." At the time the Company's permit was cancelled, Staff was not informing carriers of the 12-month waiting period required by WAC 480-15-302(11). As such, the Company was not aware that it would need to apply within 30 days to reinstate its permit. This oversight has since been corrected and all cancellation letters now reference WAC 480-15-302(11). Accordingly, the Commission believes that it would impose a different kind of hardship on the Company to deny the Application because the Company was unaware of WAC 480-15-302(11) and relied upon Staff for assistance and procedural advice.

12 We also find that it would be contrary to the public interest to deny the Application because healthy small businesses are essential to economic recovery, particularly during the COVID-19 pandemic. Staff has no concerns with the Company's fitness to operate and recommends approving the Application. Penalizing a small business for a relatively minor defect in its Application would be contrary to the stated public goal of creating "sound economic conditions" for household goods carriers.

13 For the reasons explained above, the Commission finds that granting the 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.

### **FINDINGS AND CONCLUSIONS**

14 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rules, regulations, and practices, accounts, and affiliated interests of public service companies, including household goods companies.

15 (2) On November 13, 2019, the Commission cancelled the provisional household goods carrier permit held by Victory Moving for failure to submit acceptable proof of insurance.

16 (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 July 21, 2020, Staff advised Victory Moving that because the Company had failed to contest the cancellation or seek reinstatement of its permit within 30 days, the Company is prohibited by the terms of WAC 480-15-302(11) from reapplying for authority for 12 months from the date its permit was cancelled.

17 (4) On July 23, 2020, Victory Moving filed with the Commission its Application for the reinstatement of its household goods carrier permit, more than six months after the 30-day deadline.

18 (5) On July 23, 2020, Victory Moving filed with the Commission a petition for exemption from WAC 480-15-302(11).

19 (6) Staff supports the Company's request for exemption and recommends the Company's provisional permit be reinstated.

- 20 (7) 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.”
- 21 (8) At the time the Company’s permit was cancelled, Staff was not informing carriers of the 12 month waiting period in WAC 480-15-302(11), so the Company did not know that it would need to apply within 30 days to reinstate its permit.
- 22 (9) Applying WAC 480-15-302(11) and denying the Application would impose a different kind of hardship on Victory Moving compared to other, similarly situated companies.
- 23 (10) Staff has no concerns with the Company’s fitness to operate.
- 24 (11) Applying WAC 480-15-302(11) and denying the Application would also be contrary to the public interest because it would serve only to create hardship for a small business.
- 25 (12) This matter came before the Commission at its regularly scheduled meeting on August 13, 2020.
- 26 (13) 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:**

- 27 (1) Victory Moving & Labor LLC’s petition for an exemption from WAC 480-15-302(11) is granted.
- 28 (2) Victory Moving & Labor LLC’s Application for authority to operate as a household goods carrier is granted.

29 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 August 13, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON  
Executive Director and Secretary