

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

Hurley Piano Services, LLC

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

DOCKET TV-230820

ORDER 01

GRANTING PETITION FOR  
EXEMPTION; GRANTING  
APPLICATION FOR HOUSEHOLD  
GOODS PERMIT

**BACKGROUND**

- 1 On January 12, 2023, the Washington Utilities and Transportation Commission (Commission) cancelled the household goods permit held by Hurley Piano Services, LLC (Hurley or Company) for failure to file the Company's 2021 annual report and failure to pay regulatory fees (Order TV-220874) as required by WAC 480-15-480.
- 2 In October 2023, Hurley contacted the Commission to request instruction on filing the delinquent annual reports, paying fines and penalties, and reinstating the Company's household goods permit, THG057201. On October 10, 2023, Hurley submitted the missing annual reports and paid regulatory fees, late fees, and interest.
- 3 Commission staff (Staff) also informed Hurley that because the Company 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.
- 4 On October 5, 2023, Hurley Side filed an Application for Reinstatement (Application) and a Petition for Exemption from WAC 480-15-302(11) (Petition) with the Commission. In accordance with RCW 81.80.075(2), applications must be on file with the Commission for at least 30 days before issuance.
- 5 Hurley explains in its Petition that the Company was receiving many solicitations and spam emails regarding its household goods permit. The overwhelming amount of correspondence caused Hurley to begin to ignore all emails which lead Hurley to miss the notice sent from the Commission regarding the Company's failure to file 2021 annual

report and cancellation of its permit. Hurley asserts in its Petition that the cancellation of its permit has led the Company to a better understanding about the regularly required responsibilities needed to maintain its permit.

6 Staff observes that the Commission issued the original provisional household goods permit on March 3, 2021. Staff has no knowledge of any issues or complaints against the Company. Hurley has submitted missing annual reports and paid all outstanding fees and interest.

7 Staff submits that Hurley's Application should be considered a new application as required by WAC 480-15-540(4)(b). The Company submitted an application in compliance with WAC 480-15-302. Upon approval of the Application, the Commission, would issue a reinstated temporary household goods permit. 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

8 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.

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 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.

11 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 which 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.

12 For the reasons explained above, the Commission finds that granting the Permit 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

- 13 (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.
- 14 (2) On January 12, 2023, the Commission cancelled the temporary household goods carrier permit held by Hurley for failure to file annual reports and failure to pay regulatory fees in Order 01 in TV-220874, pursuant to WAC 480-15-480.
- 15 (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 October 5, 2023, Hurley 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 seven months after the 30-day deadline.
- 16 (4) Staff supports the Company’s request for exemption and recommends the Company’s permit be reinstated.
- 17 (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.”

- 18 (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.
- 19 (7) Staff has no concerns with the Company's fitness to operate.
- 20 (8) This matter came before the Commission at its regularly scheduled meeting on  
October 26, 2023.
- 21 (9) 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:**

- 22 (1) Hurley Piano Services, LLC's Petition for exemption from WAC 480-15-302(11)  
is granted.
- 23 (2) Hurley Piano Services, LLC's Application for authority to operate as a household  
goods carrier is granted, effective November 6, 2023 per RCW 81.80.075(2).
- 24 (3) 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 October 26, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KATHY HUNTER  
Acting Executive Director and Secretary