

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of  
MVP MOVING AND STORAGE LLC  
  
For Compliance with WAC 480-15-560  
And WAC 480-15-570

DOCKETS TV-170038 and  
TV-170039 (Consolidated)

NOTICE OF INTENT TO DENY  
APPLICATION FOR REINSTATEMENT

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In the Matter of the Penalty Assessment  
Against

NOTICE OF OPPORTUNITY FOR  
HEARING

MVP MOVING AND STORAGE LLC

In the amount of \$6,100

**BACKGROUND**

- 1 On May 20, 2019, the Washington Utilities and Transportation Commission (Commission) entered Order 05, Granting Staff's Renewed Motion for Cancellation of Household Goods Permit; Cancelling Provisional Household Goods Permit; Denying Application for Permanent Authority (Order 05) in these consolidated dockets. Order 05 granted Commission staff's (Staff) motion to cancel the provisional household goods carrier permit of MVP Moving and Storage LLC (MVP) and denied MVP's application for a permanent household goods carrier permit in accordance with WAC 480-15-305(3).
- 2 On June 20, 2019, MVP submitted an application for reinstatement (Application).
- 3 Staff has reviewed the Application and recommends that the Commission deny it for the reasons set out below.

**FACTUAL ALLEGATIONS**

- 4 On June 7, 2018, the Commission entered Order 04, Denying Staff's Motion for Cancellation of Household Goods Permit Subject to Conditions (Order 04) in these

consolidated dockets.<sup>1</sup> Order 04 allowed MVP to maintain its permit subject to numerous conditions.<sup>2</sup> As relevant here, these conditions required MVP to (1) work with Staff to develop a safety management plan (SMP) acceptable to Staff, (2) not incur any repeat violations of critical regulations in a non-rated compliance review conducted by Staff at least six months after the effective date of Order 04, and (3) require all of its employees to attend Commission-sponsored household goods carrier training.<sup>3</sup>

5 On May 20, 2019, the Commission entered Order 05 in these consolidated dockets, which granted Staff's renewed motion to cancel MVP's household goods carrier permit.<sup>4</sup> The Commission granted Staff's motion after determining that MVP failed to comply with the conditions set in Order 04.<sup>5</sup> Specifically, the Commission determined that MVP did not submit an acceptable safety management plan, failed to have all of its staff attend Commission sponsored household goods training, and incurred repeat violations of critical regulations.<sup>6</sup>

6 On June 20, 2019, MVP filed with the Commission its Application for reinstatement. MVP filed with its Application several documents intended to correct the conditions that led to the cancellation of its permit. These documents included schedules for reviews of drivers and vehicles and checklists for new hires.

7 Staff has reviewed the documents provided by MVP and determined that they do not constitute an acceptable SMP. MVP has not taken responsibility for the violations disclosed in Staff's compliance investigations, nor has it explained how the violations were allowed to occur. MVP has also failed to provide proof that it has corrected each of the violations identified by Staff in the compliance investigations.

8 Staff's review of the Application also shows that MVP has failed to address other conditions that resulted in the cancellation of its permit. The Application lists nine MVP employees, but only two of them have attended Commission-sponsored household goods carrier training, and neither the Application nor the associated supporting materials indicate that MVP has made any provision for their future attendance.

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<sup>1</sup> *In re Investigation of MVP Moving & Storage LLC For Compliance with WAC 480-15-560 and WAC 480-15-570; In re Penalty Assessment Against MVP Moving & Storage LLC*, Dockets TV-170038 & TV-170039 (Consolidated), Order 04 (June 7, 2018).

<sup>2</sup> *Id.* at 3 ¶ 12.

<sup>3</sup> *Id.* at 4-5 ¶ 16.

<sup>4</sup> *In re Investigation of MVP Moving & Storage LLC For Compliance with WAC 480-15-560 and WAC 480-15-570; In re Penalty Assessment Against MVP Moving & Storage LLC*, Dockets TV-170038 & TV-170039 (Consolidated), Order 05 (May 20, 2019).

<sup>5</sup> *Id.* at 5 ¶¶ 19, 21.

<sup>6</sup> *Id.* at 4-5 ¶ 18, 5 ¶¶ 19, 23.

- 9 Staff recommends denying MVP's Application for reinstatement of its provisional household goods carrier permit for two reasons. First, the Application is moot because the Commission has already denied MVP's application for permanent authority. As such, MVP possesses no authority that is eligible to be reinstated. Even so, MVP has not demonstrated that it has corrected the conditions that led to the cancellation of the company's provisional permit in the first instance.

### DISCUSSION

- 10 Based on the information Staff presented, the Commission agrees with Staff's recommendation and intends to deny the Application as moot and also because MVP failed to address the conditions that led to the cancellation of its provisional permit.
- 11 The Commission grants provisional authority so that applicants may operate in a way showing their fitness to hold permanent authority.<sup>7</sup> Where the applicant operates satisfactorily during this period and satisfies other criteria, the Commission will grant a permanent household goods carrier permit.<sup>8</sup> But where an applicant is unable to successfully complete the provisional period, the Commission will cancel the permit and deny the application for permanent authority.<sup>9</sup>
- 12 MVP seeks reinstatement of its provisional household goods carrier permit. The Commission denied MVP's application for permanent authority, thereby making a final determination that it will not grant the permanent operating authority for which the provisional permit is simply a step. MVP's Application for reinstatement is moot and the Commission intends to deny it.
- 13 Additionally, the Commission's rules require an applicant to "correct all conditions that led to cancellation of the permit" before applying for reinstatement.<sup>10</sup>
- 14 MVP did not correct the conditions that led to the cancellation of its permit. MVP has failed to submit a satisfactory SMP. MVP also has not cured its non-compliance with the condition set in Order 04 prohibiting the Company from incurring repeat violations of

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<sup>7</sup> WAC 480-15-186.

<sup>8</sup> WAC 480-15-305.

<sup>9</sup> WAC 480-15-305(3).

<sup>10</sup> WAC 480-15-450(4).

critical regulations and to require its employees to attend Commission-sponsored household goods carrier training.

**NOTICE**

- 15 The Commission hereby provides notice of its intention to deny MVP's Application for reinstatement because the Application is moot under WAC 480-15-305(3) and because MVP failed to correct its violation of various conditions of Order 04 in these dockets. MVP's failure to correct those violations renders its Application for reinstatement barred by WAC 480-15-450(4).
- 16 **NOTICE OF OPPORTUNITY FOR HEARING.** MVP may request a hearing to contest the factual allegations set out in this notice. MVP may request such a hearing by filing a written request for a hearing with the Commission by **October 21, 2019**. The request must be directed to the attention of Mark L. Johnson, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Lacey, WA 98503-7250, and must reference Docket TV-170038 and TV-170039.
- 17 If MVP requests a hearing by **October 21, 2019**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If MVP does not request a hearing by that date, the Commission will enter an order denying the Application.

DATED at Olympia, Washington, and effective September 23, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON  
Executive Director and Secretary