

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties against:

BLESSED LIMOUSINE, INC.

DOCKET TE-151667

ORDER 05

ORDER DENYING MOTION TO
VACATE AND REINSTATE
ORDER 04

BACKGROUND

- 1 On January 26, 2016, the Washington Utilities and Transportation Commission (Commission) entered Order 03, Final Order. Order 03 imposed a \$10,000 penalty against Blessed Limousine, Inc. (Blessed Limousine or Company) and suspended a \$6,000 portion of the penalty for a period of two years subject to certain conditions.
- 2 On February 1, 2016, the Company filed a Motion for Leave to Comply with Financial Penalty via Payments. In its Motion, the Company proposed to pay \$500 on or before February 5, 2016, followed by payments of at least \$200 per month until the \$4,000 unsuspended portion of the penalty is paid in full.
- 3 On February 3, 2016, the Commission issued Order 04, Order Granting Request for Payment Arrangement. Order 04 requires the Company to pay the unsuspended penalty amount of \$4,000 in 20 consecutive monthly installments of a minimum of \$200 each. According to the terms of Order 04, payments are due and payable no later than the 5th day of each month, beginning February 5, 2016. Order 04 also requires that, should the Company fail to pay at least the minimum amount of \$200 by the due date, the entire remaining balance of payments and the entire suspended portion of the penalty will become immediately due and payable without further Commission order.
- 4 On March 11, 2016, Commission staff (Staff) filed a letter notifying the Commission that, to date, the Company had failed to make both its February 5 and March 5 minimum payments. Commission records confirm Staff's representation.

- 5 On March 15, 2016, the Commission issued a letter to all parties notifying Blessed Limousine that it must immediately pay the full \$10,000 penalty amount as required by the terms of Order 03 and Order 04.
- 6 On March 24, 2016, Blessed Limousine filed a Motion to Vacate and Motion to Reinstate Order 04 (Motion). In its Motion, the Company states that the Commission's March 15, 2016, letter was its attorney's first notification that payments were not made as required. The Company also notes that it made a \$400 payment to the Commission on March 15. The Company further explains that it incurred more than \$10,000 in expenses related to its application for charter party and excursion carrier authority with the Commission. The Company requests that the Commission reinstate the terms of Order 04 and allow it to continue making payments according to the payment schedule established by Order 04.
- 7 On March 29, 2016, Staff filed a response opposing Blessed Limousine's Motion (Response). In its Response, Staff requests the Commission deny the Company's Motion and uphold the terms of Order 04. Staff argues that because the Company defaulted on the payment plan, it should be required to remit the \$9,600 balance of the penalty immediately. Based on the Company's uncooperative history with the Commission, Staff does not believe, having already defaulted once, that the Company can be trusted to abide by a payment plan.

DISCUSSION

- 8 We agree with Staff's recommendation and deny Blessed Limousine's Motion. The operational expenses the Company describes in its Motion – obtaining appropriate insurance and repairing its vehicles – are required of any carrier that wishes to provide transportation services regulated by the Commission. Neither expense is extraordinary, and neither expense should create a financial hardship for a Company fit to provide service.
- 9 In addition, the Commission gave Blessed Limousine ample opportunity to come into compliance with applicable law, including assessing a penalty that is considerably less than the statutory maximum – a substantial portion of which was suspended – and a generous payment plan. Counsel's lack of knowledge of the missed payments does not excuse the Company's failure to make those payments, particularly since Blessed Limousine proposed the payment plan the Commission adopted in Order 04.
- 10 Blessed Limousine presents no compelling circumstances that would warrant reinstatement of the payment plan in Order 04. Accordingly, the Commission will

enforce Order 04 without modification. The Company must pay the remaining \$9,600 balance of the penalty immediately, and the Commission will not approve the Company's pending application to operate as a charter party or excursion carrier until the penalty is paid in full. Blessed Limousine also must comply with the other terms of Order 04, which include the requirement that the Company cease and desist providing or advertising charter party or excursion carrier services unless and until it obtains an auto transportation certificate from the Commission. If the Company violates this condition, it will face further enforcement action by the Commission.

ORDER

THE COMMISSION ORDERS THAT:

- 11 (1) Blessed Limousine, Inc.'s Motion to Vacate and Motion to Reinstate Order 04 is DENIED.
- 12 (2) The \$9,600 portion of the penalty that remains unpaid is due and payable.

DATED at Olympia, Washington, and effective April 4, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge