

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In re the Application of</p> <p>SPEEDISHUTTLE WASHINGTON, LLC d/b/a SPEEDISHUTTLE SEATTLE</p> <p>For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company</p>	<p>DOCKET TC-143691 <i>(Consolidated)</i></p> <p>ORDER 21</p>
<p>SHUTTLE EXPRESS, INC.,</p> <p style="text-align: right;">Complainant,</p> <p>v.</p> <p>SPEEDISHUTTLE WASHINGTON, LLC d/b/a SPEEDISHUTTLE SEATTLE,</p> <p style="text-align: right;">Respondent.</p>	<p>DOCKET TC-160516 <i>(Consolidated)</i></p> <p>ORDER 14</p>
<p>SPEEDISHUTTLE WASHINGTON, LLC d/b/a SPEEDISHUTTLE SEATTLE,</p> <p style="text-align: right;">Complainant,</p> <p>v.</p> <p>SHUTTLE EXPRESS, INC.,</p> <p style="text-align: right;">Respondent.</p>	<p>DOCKET TC-161257 <i>(Consolidated)</i></p> <p>ORDER 11</p> <p>ORDER DENYING MOTION FOR STAY</p>

BACKGROUND

- 1 On November 17, 2017, the Washington Utilities and Transportation Commission (Commission) entered Order 20/13/10 (Final Order) in these consolidated dockets. Among other provisions, that order assessed a penalty of \$120,000 against Shuttle Express, Inc. (Shuttle Express or Company) for 35,351 violations of former WAC 480-30-213. The Final Order requires Shuttle Express to pay the penalty within 30 days of the effective date of the order.
- 2 On November 21, 2017, Shuttle Express filed a Motion for Stay (Motion). Shuttle Express states that it expects to seek judicial review of the penalty assessment, and pending such review, the Company requests that the Commission stay the requirement to pay that penalty. Shuttle Express contends that it “currently does not have \$120,000 of excess working capital that is not allocated to covering seasonal losses and maintaining the current or projected level of service consistent with [Commission] rules and reasonable expectations of the public.”¹ The Company claims that “to pay the \$120,000 penalty in 30 days, Shuttle Express would either have to: 1) reduce service levels and quality, 2) obtain a further capital infusion, 3) obtain bank credit, or 4) do some combination of the foregoing.”²
- 3 No other party responded to the Motion.

DISCUSSION AND DECISION

- 4 We deny the Motion. A claim of financial hardship, without more, is insufficient to justify staying a penalty assessment. The Commission generally will not stay the effectiveness of a final order pending any judicial review without a showing of irreparable harm and at least a reasonable possibility that the courts will overturn the order. Shuttle Express does not assert, nor do we find, that such circumstances exist here.
- 5 Rather than a stay, the appropriate recourse for Shuttle Express would be to negotiate a payment plan with Commission staff (Staff). The Commission routinely approves payment of a substantial penalty in installments over a reasonable period of time. By

¹ Motion ¶ 5.

² *Id.* ¶ 6.

December 18, 2017, therefore, Shuttle Express either must pay the entirety of the \$120,000 penalty or may jointly submit with Staff a proposed plan to pay the penalty in installments over a period not to exceed one year from the date of the Final Order.

ORDER

THE COMMISSION ORDERS THAT:

- 6 (1) The Commission denies the motion of Shuttle Express, Inc., to stay the penalty provisions in Order 20/13/10.
- 7 (2) By December 18, 2017, Shuttle Express, Inc., either must pay the entirety of the \$120,000 penalty or may jointly submit with Commission Staff a proposed plan to pay the penalty in installments over a time period that extends no later than November 19, 2018.

Dated at Olympia, Washington, and effective December 1, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner



JAY M. BALASBAS, Commissioner