

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the matter of the cancellation of)
charter and excursion carrier certificate) DOCKET TE-151016
CH-065368 held by)
) ORDER 01
Dave’s Party Bus, L.L.C.,)
) ORDER CANCELLING
for failure to file annual report) CERTIFICATE
.....)

BACKGROUND

- 1 Charter and excursion carriers regulated by the Washington Utilities and Transportation Commission (Commission) must file annual reports and pay regulatory fees annually pursuant to Washington Administrative Code (WAC) 480-30-071(2), and WAC 480-30-076(2). These rules provide that the Commission may cancel a charter and excursion carrier’s certificate for failure to file its annual report or pay its regulatory fees. In addition, WAC 480-30-171(2) authorizes the Commission to cancel a charter or excursion carrier’s certificate for cause, including failure to file an annual report or pay required fees.
- 2 On August 11, 2015, the Commission served Dave’s Party Bus, L.L.C. (Dave’s Party Bus or Company) with a Notice of Intent to Cancel Certification as a Charter and Excursion Carrier and Opportunity to Request a Hearing for failure to file a 2014 annual report (Notice). The Notice informed Dave’s Party Bus that its certificate would be cancelled without further notice unless the Company filed its delinquent annual report or requested a hearing to demonstrate why its certificate should not be cancelled within 30 days of the date the Notice was served.
- 3 The Commission did not receive a request for hearing and did not receive Dave’s Party Bus’s 2014 annual report.

DISCUSSION AND DECISION

- 4 The Commission exercises its discretion to cancel the Company’s charter and excursion carrier certificate. The Commission’s ultimate goal in any enforcement action is to ensure compliance with applicable statutes and rules. WAC 480-30-071(2), WAC 480-30-076(2), and RCW 81.70.350 require charter and excursion carriers to file annual reports and pay regulatory fees by May 1 of each year. Dave’s Party Bus did not make the

requisite filing. Accordingly, the Commission assessed a \$1,000 penalty against Dave's Party Bus for the violations. The Company did not respond. In August, the Commission notified Dave's Party Bus that its certificate would be cancelled unless the Company filed its annual report or requested a hearing within 30 days. The Company did not file its annual report and pay its regulatory fees or otherwise respond.

5 If a company is unwilling to comply with its regulatory obligations, it is no longer fit, willing, and able to provide regulated service. We find that Dave's Party Bus's failure to file its annual report, pay regulatory fees, and pay the assessed penalty are willful violations of the laws the Commission is charged with enforcing that disqualify the Company from providing charter and excursion service in Washington. The Commission, therefore, cancels the Company's charter and excursion carrier certificate effective the day this Order is served.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the State of Washington with the authority to regulate charter and excursion carriers as defined in RCW 81.70.
- 7 (2) Dave's Party Bus holds authority from the Commission to operate as a charter and excursion carrier under certificate CH-65368.
- 8 (3) On August 11, 2015, the Commission notified Dave's Party Bus that its certificate to operate as a charter and excursion carrier would be cancelled if the Company failed to file its annual report within 30 days. The Commission also notified Dave's Party Bus that it could request a hearing to contest cancellation of its certificate.
- 9 (4) Dave's Party Bus has not filed its annual report, due May 1, 2015.
- 10 (5) Dave's Party Bus did not request a hearing.
- 11 (6) Under WAC 480-30-071(2)(d), the Commission may cancel a charter and excursion carrier's certificate for failure to file its annual report.
- 12 (7) Under WAC 480-30-171(2), the Commission may cancel a charter and excursion carrier's certificate for cause, including failure to file an annual report.

- 13 (8) Dave's Party Bus's failure to file its 2014 annual report constitutes cause to cancel its charter and excursion carrier certificate.

ORDER

THE COMMISSION ORDERS:

- 14 (1) Certificate CH-65368 held by Dave's Party Bus, L.L.C. is cancelled effective on the date this Order is served.
- 15 (2) Dave's Party Bus, L.L.C. is directed to **cease** all operations associated with certificate CH-65368.
- 16 The Commission has delegated authority to the Secretary, or to the Secretary's delegate, to enter this Order under RCW 80.01.030, WAC 480-07-905(9).

DATED at Olympia, Washington, and effective September 18, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary, or the Secretary's delegate, for decision. In addition to serving you a copy of the decision, the Commission will post on its website for at least 14 days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's website.