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1416 Whitehorn Street  
Ferndale, WA 98248

Carol Washburn  
Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

Dear Ms. Washburn

Re: Penalty Assessment No: TC-031704

Wickkiser International Companies, Inc (WIC) has successfully operated under the Washington Transportation and Utilities Commission (WUTC) in the State of Washington for 18 years. The company started with 1 van and 2 round trips per day service. In 2003 Wickkiser International safely carried it's 1 millionth passenger! Today Wickkiser International Companies, Inc operates 10 round trips per day between Seatac and the Canadian Border to the North and to Oak Harbor and Anacortes to the West. WIC operates over a distance that is far greater than any other regulated carrier in the State and has steadily provided more and more service to the public. In addition to improving service WIC concentrates on a safety by requiring all of its drivers to have commercial driver's licenses. In addition to these drivers, all safety sensitive administration employees are required to participate in a Federal Transit Administration certified drug and alcohol random testing pool. WIC maintains the highest safety rating by Washington State and was awarded a letter of commendation by the Federal Department of Defense in its safety review. WIC also carries \$5 million of liability insurance, which is 5 times the commission's mandated \$1 million. WIC's safety standards are the highest of any WUTC regulated carrier and is a service both the staff and commissioners ought to be proud of.

We are disappointed that Commission Staff has chosen to aggressively penalize the company for some relatively minor infractions. At the same time we believe that it is important to note that the complaint that is being addressed by this investigation was originated from a competitor and not a patron of the Airporter Shuttle. Wickkiser International Companies, Inc has always been prepared to correct errors we have made and in cases has counseled with WUTC staff and safety regulators for their opinion in our operations. We would have preferred to continue to work with staff with this open type of dialogue than respond to a formal investigation and penalty assessment.

We would like to address each of the complaints and request mitigation of the penalties

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STATE OF WA  
UTIL. AND TRANSP.  
COMMISSION



Wickkiser International Companies, Inc.

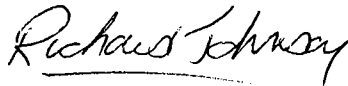


1. Wickkiser International Companies, Inc charges \$3 for a one way or \$6 for a round trip infant. An infant is defined as age 3 and under. Unless the youth fare is less, this fare applies to all of our routes regardless of distance. Distance can range from 12 miles to 110 miles. Of the passengers Wickkiser International Companies, Inc carries less than one quarter of one percent are infants. WIC has not financially gained from the infant fare, nor was it purposeful in its omission from the tariff, yet WIC is being penalized. We request that the penalty be removed and that WIC be allowed to file a tariff revision that updates this omission.
2. WIC youth fares apply to passengers 15 years and under. The tariff that the WUTC has on file states that the youth fare is between 2 and 16. WIC believes that a more reasonable correction would have been to simply advise that company of the age difference and ask them to submit a tariff update. We request that the penalty be removed. WIC would like to file a tariff update to correct this omission.
3. Unaccompanied Minors are not charged \$40. They are charged the normal youth fare. WIC pays very close attention to the carrying of unaccompanied minors and underscores this seriousness by having parents sign a release form. The release form reminds parents of our Seatac drop-off location, collects two contact phone numbers and tells the parents that they are financially responsible for \$40/hour charges if *they are negligent and not at Seatac to pick up their child*. Until this release form was developed WIC drivers often became the minor passenger's guardian and were forced to care for the child until the parent finally arrived. This situation exposed WIC drivers to the possibility of all kinds of allegations being made, kept them from using the bathrooms and from a break, that they need after working and driving for more than 3 hours. WIC faced an operational problem and developed a good solution that has been effective for both the company and the parents of our minor passengers. We request that the penalty be removed.
4. Group and Frequent Traveler Rates. The group and frequent traveler rates that were on file were very confusing and not helpful to the public. We changed the requirements of what is considered a group to make the program more useful and better understood. The discounted price was in most cases (the price of our trips vary by pickup location) within 10% of the prior program. The new program has better served the public and WIC. Together with the help of WUTC staff WIC filed the update to its tariff when this omission was pointed out. We request that the penalty be removed.
5. Central Washington Airporter. Wickkiser International Companies, Inc is a vendor to Central Washington Airporter. Wickkiser International Companies, Inc has a state of the art reservation system that it has developed for its scheduled business. WIC sells reservation services to Central Washington Airporter. Since the public is using the internet more often to make their travel plans these services

include a presentation of the CWA schedule on the **airporter.com** web site. If the commission believes that it is in the public's interest to update the web site so that services to Central Washington are specifically noted as being provided by CWA, Inc and services to Western Washington are specifically being provided by WIC then WIC is immediately prepared to make such specific statements on the web site. WIC is not in violation of WAC 480-30-030 and request that the penalty be removed.

6. Oak Harbor, Anacortes and NAS Whidbey routes. WIC was pleased to be able to improve service to Oak Harbor and NAS Whidbey passengers. This improvement in service reduced travel time to Seatac by approximately one hour for over 8000 passengers. Unfortunately the service between Oak Harbor and Anacortes was negatively impacted. Prior to the change in service all passengers from the prior three months (approximately 3) were contacted and advised that the service was no longer a direct run. It is important to note that service between Oak Harbor and Anacortes was not discontinued. WAC 480-30-060 specifies that WIC should have notified the commission one day in advance of these service improvements. Albeit 10 days late, WIC did notify the commission of the service change prior to this complaint being made by our competitor. WIC has since received approval for the schedule change by the commission and respectfully requests that the penalty be removed.

Sincerely



Richard Johnson  
General Manager  
Wickkiser International Companies, Inc

SERVICE DATE

NOV 12 2003

## WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

### NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS RULES AND REGULATIONS

PENALTY ASSESSMENT NO: TC-031704

PENALTY AMOUNT: \$ 1,800.00

#### AUTO TRANSPORTATION COMPANY:

Wickkiser International Companies, Inc.

1416 Whitehorn Street

Ferndale, WA 98248

The Commission believes that you have committed one or more violations of Washington Utilities and Transportation laws and rules; specifically, RCW 81.28.080, WAC 480-30-030, WAC 480-30-050, and WAC 480-30-060, which set requirements for certificates for auto transportation companies, naming rates, fares, and time and route schedules in a company's tariff. As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount of \$1,800.00. The basis for this penalty assessment is as follows:

As illustrated in Staff's investigation report (enclosed), Wickkiser International Companies, Inc. (Wickkiser) violated the provisions as set forth in RCW 81.28.080 - Published Rates to be Charged, WAC 480-30-030-Certificates, WAC 480-30-050-Tariff, Naming Rates and Fares, and WAC 480-30-060-Schedule of Time and Route.

Staff reviewed information in the Company's tariff, website, and phone reservation system to determine current rates, time and route schedules, and general operating practices. Staff found specific violations as follows:

#### **Child Rates**

Wickkiser charges a rate for children under three years of age, which is not an approved rate in the tariff.

#### **Youth Rates**

Wickkiser applies different age criteria for youth fares than are listed in the tariff, and therefore charges rates not approved in the tariff.

#### **Unaccompanied Minor Rates**

Wickkiser charges \$40-per-hour for an unaccompanied minor; a rate not approved in the Company's tariff.

**Group & Frequent Traveler Rates**

Wickkiser provides discounted rates to groups and frequent travelers that differ from the approved rates in the Company's tariff.

**Oak Harbor, Anacortes, and Naval Air Station, Whidbey Island Routes**

Wickkiser changed its route schedule prior to filing revisions to the tariff or providing proper notice to the Commission or the public.

**Certificate Authority**

Wickkiser advertises and sells services to Central Washington, an area not within the Company's authority to serve.

Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described did not occur, you may request a hearing to contest the occurrence of the violations. If you have an explanation as to why the violations occurred, or have other facts you believe the Commission should have considered, RCW 80.04.405 provides that you may make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, within FIFTEEN (15) days of your receipt of this penalty notice. You may, although you are not required to, present your request for mitigation at a hearing. The Commission will consider your plea and notify you of its determination.


If you would like a hearing to contest either the occurrence of the violations or the amount of the penalty, you may request one in your request for hearing or mitigation. If you request a hearing for either reason, please state why you believe a hearing is called for in your circumstances.

Failure to request a hearing to contest the occurrence of the violations or the amount of the penalty, return the mitigation plea, or pay the amount due within 15 days will cause the Commission to refer this matter to the Office of the Attorney General for collection. Suit may then be brought against you and after trial, judgment may be entered against you.

DATED at Olympia, Washington and effective this 10<sup>th</sup> day of November 2003.



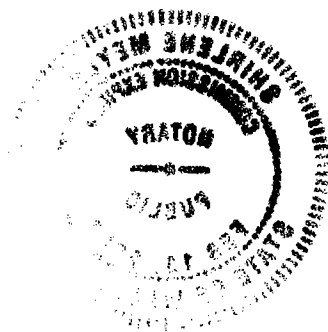
MARILYN SHOWALTER, Chairwoman



RICHARD HEMSTAD, Commissioner



PATRICK OSHIE, Commissioner



# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

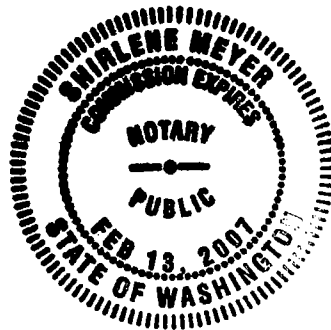
## APPLICATION FOR MITIGATION OF PENALTIES

I have read and understand RCW 9.72.030, which prescribes penalties for making false affidavits (printed below), and hereby make, under oath, application for mitigation of the penalties (as described on the attached form), for the following reasons:

**NOTE:** This form must be completed, signed and notarized, and received by the Commission within 15 days of your receipt of this form.

I swear that the foregoing is a true and complete statement of the facts in this case.

Larry Dickson  
Signature of Applicant



Sworn to and subscribed before me  
this 25<sup>th</sup> day of November,  
2003

Shirleen Meyer  
NOTARY PUBLIC in and for the  
State of Washington, residing in  
Lynden, WA

RCW 9.72.030:

"Perjury-Second Degree: Every person who, whether orally or in writing, and whether as a volunteer or in a proceeding or investigation authorized by law, shall knowingly swear falsely concerning any matter whatsoever shall be guilty of perjury in the second degree and shall be punished by imprisonment in the state penitentiary for not more than five years or by imprisonment in the county jail for not more than one year."