

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment)	DOCKET TE-130475
Against)	
)	ORDER 01
ONSTAR LIMOUSINE, LLC)	
)	ORDER DENYING MITIGATION
In the Amount of \$1,000)	
)	
)	
.....)	

- 1 On April 8, 2013, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Onstar Limousine, LLC (Onstar or Company) in the amount of \$1,000 alleging 10 violations of WAC 480-30-221, which requires passenger transportation companies to comply with Title 49, Code of Federal Regulations, including Part 395 –Hours of service of drivers, and Part 396– Inspection, repair and maintenance.

- 2 On April 14, 2013, Onstar filed a request for mitigation of the penalty. Onstar admits the violations alleged by Staff and acknowledges the need to make changes to its limousine business. The Company, however, states that it cannot afford the \$1,000 penalty because its business has been slow.

- 3 On April 18, 2013, Commission Staff (Staff) filed a response opposing mitigation. Staff states that Onstar committed 28 violations of critical safety regulations that are intended to ensure that drivers are in the best physical condition possible and have worked only legal time limits. Staff states that it has provided ample assistance to Onstar regarding how to comply with Commission safety regulations, the violations found in this year’s compliance review are the same violations found in Staff’s 2011 compliance review, and the penalty amount is already substantially less than the amount the Commission could have assessed.

- 4 The Commission finds that further mitigation is not warranted in this case. Onstar’s violations relate to the safety of passengers, and the Commission assessed a penalty that properly reflects the serious nature of the violations and the Company’s continuing failure to remedy those violations. Onstar’s alleged inability to pay the \$1,000 penalty is not sufficient grounds for further mitigation.

ORDER

THE COMMISSION ORDERS:

- 5 (1) The request of Onstar Limousine, LLC, for mitigation of the penalty is
DENIED.
- 6 (2) The total assessed penalty of \$1,000 is immediately due and payable to the
Commission.
- 7 (3) The Commission delegates to its Secretary authority to enter this Order on
behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective May 17, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Acting Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). 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 Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.