

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-110747
Against)	
)	ORDER 01
Excalibur Limousine LLS,)	
)	ORDER DENYING MITIGATION
in the amount of \$100.00.)	
.....)	

1 **Penalty.** On May 13, 2011, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in Docket TE-110747 in the amount of \$100 against Excalibur Limousine LLC. (Excalibur Limousine or Company), for a violation of Washington Administrative Code (WAC) 480-30-071. This rule requires charter and excursion carriers to furnish annual safety reports to the Commission no later than December 31 each year. The Commission sent letters notifying and reminding the company of this requirement in November 2010 and January 2011; the November letter included the required forms.

2 As of April 28, 2011, Excalibur Limousine had not filed its Annual Report for 2010. In the penalty assessment, the Commission advised Excalibur Limousine that it was required to act within 15 days of receiving the notice either to pay the \$100 penalty, request a hearing to contest the alleged violation, or request mitigation to contest the amount of the penalty.

3 **Mitigation Request.** On May 17, 2011, Excalibur Limousine submitted a letter to the Commission admitting the violation but seeking to have the penalty waived. Mr. Kevin Williams, owner of the company, stated that he did “not recall receiving anything to fill out but would gladly do so as it would have taken no time at all.” According to Mr. Williams, Excalibur Limousine operated only a single vehicle during 2010 and that was on a part-time basis.

4 **Commission Staff Opposition to Mitigation.** Commission Staff filed a Response opposing the Company’s request for mitigation on June 10, 2011. According to Commission Staff, the Commission’s notification and reminder letters were sent to the same Kenmore address where Mr. Williams received the penalty assessment.

Commission Staff also notes that all the required forms are available electronically on the Commission's website. Commission Staff asked that the company's request be denied.

5 **Commission Decision.** The Commission denies request for mitigation. As pointed out by Commission Staff's response, all Commission correspondence regarding the annual report filing requirement was directed to the same address. Mr. Williams does not claim any problems with mail delivery but only a failure to remember receiving the Commission's letters. As a regulated transportation company, Excalibur Limousine must timely file an annual report and its owner should have been aware of this requirement when he received the certificate from the Commission.

6 The original \$100 penalty will not be reduced. That penalty is due and payable no later than July 15, 2011.

7 The Secretary has been delegated authority to enter this Order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective June 16, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
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.