BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

|  |  |  |
| --- | --- | --- |
| In the Matter of the Penalty Assessment Against  KUSH TOURISM LLC  In the Amount of $4,500 | )))))))) | DOCKET TE-160713  NARRATIVE SUPPORTING  SETTLEMENT AGREEMENT |

**I. INTRODUCTION**

1. This Narrative Supporting Settlement Agreement (Narrative) is filed pursuant to WAC 480-07-740(2)(a) on behalf of both Kush Tourism LLC (“Kush Tourism” or “Company”) and the Staff of the Washington Utilities and Transportation Commission (Staff). Both parties have signed the settlement agreement (Agreement), which is being filed concurrently with this Narrative. This Narrative summarizes the Agreement. It is not intended to modify any terms of the Agreement.

**II. PROPOSALS FOR REVIEW PROCEDURE**

1. The parties submit that this matter is considerably less complex than a general rate proceeding and request that review proceed on a timetable for less complex matters, as provided in WAC 480-07-740(1)(b). To the knowledge of either party, there are no opponents of the settlement. Because of the less complex nature of this matter and the uncontested status of the settlement, the parties concur that a formal settlement hearing along with the opportunity for public comment are unnecessary in this case.
2. The parties do not intend to file documentation supporting the Agreement, with the exception of the Agreement itself and this Narrative. If the Commission requires supporting documents beyond the Agreement, Narrative, and the other documents on file in this docket, the parties will provide documentation as needed.
3. In keeping with WAC 480-07-740(2)(b), the parties are prepared to present one or more witnesses each to testify in support of the proposal and answer questions concerning the Agreement’s details, and its costs and benefits, should such testimony be required. In addition, representatives of both parties are available to respond to any questions regarding the proposed settlement that the Commission may have.
4. The parties request a streamlined review of the proposed settlement. To that end, the parties would prefer an informal review on a paper record. In accordance with WAC 480-07-730, the parties propose the foregoing procedural alternatives for review of the proposed settlement agreement.

III. SCOPE OF THE UNDERLYING DISPUTE

1. The underlying dispute concerns penalties assessed by the Commission against Kush Tourism. On March 15, 2016, Commision Staff conducted a compliance review of Kush Tourism and identified critical violations of motor vehicle safety rules. The Commission issued a penalty assessment based on those violations in the amount of $4,500 against Kush Tourism on June 3, 2016.
2. On June 10, 2016, Kush Tourism timely filed an application for mitigation of the penalty and a request for hearing. The Company admitted to the violations but requested mitigation based on “confusing regulations regarding vehicles under 8 passengers and 10,001 GVWR.” Subsequently, the parties negotiated and reached a full settlement of the dispute.

###### IV. DESCRIPTION OF PROPOSED SETTLEMENT

1. The settlement resolves all of the issues in dispute. The settlement provides for payment of $2,100 in penalties, which represents just under one half the amount of the penalty assessment.

**V. STATEMENT OF PARTIES’ INTERESTS AND THE PUBLIC INTEREST**

1. As stated in the Agreement, the settlement represents a compromise of the positions of the two parties. The parties find it is in their best interests to avoid the expense, inconvenience, uncertainty, and delay inherent in a litigated outcome. Likewise, it is in the public interest that this dispute conclude without the further expenditure of public resources on litigation expenses. Staff is satisfied that the Agreement reflects both a penalty that is appropriate to the critical violations at issue and mitigation that is appropriate based on the Company’s cooperation and engagement in the compliance process. Kush Tourism’s primary interest is sparing other companies the confusion that it faced regarding whether its van carries seven or eight “passengers” and whether or not its drivers require medical certification. The Company is satisfied that the language in Commission documents that led Kush Tourism to believe it was not subject to all of the motor carrier safety rules either has been clarified or will be clarifed.

## VI. LEGAL POINTS THAT BEAR ON PROPOSED SETTLEMENT

1. In WAC 480-07-700, the Commission states its support for parties’ informal efforts to resolve disputes without the need for contested hearings when doing so is lawful and consistent with the public interest. The parties have resolved all of the issues in dispute between them, and their resolution complies with Commission rules and, as explained above, is consistent with the public interest.

**VII. CONCLUSION**

1. Because the parties have negotiated a compromise on all of the issues in this dispute and because the settlement is in the public interest, both parties request that the Commission issue an order approving the Agreement in full.

Respectfully submitted this \_\_th day of July, 2016.

|  |  |
| --- | --- |
| ROBERT W. FERGUSON  Attorney General |  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  JENNIFER CAMERON-RULKOWSKI  Assistant Attorney General  Counsel for the Washington Utilities and  Transportation Commission | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  CHARLES NOBLES  Chief Operating Officer  Kush Tourism LLC |