

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment  
Against

EXPLORERS 3, LLC d/b/a  
EVERGREEN ESCAPES

in the amount of \$5,500

DOCKET TE-160946

ORDER 02

ORDER GRANTING PAYMENT  
ARRANGEMENT

**BACKGROUND**

- 1 On August 16, 2016, the Washington Utilities and Transportation Commission (Commission) assessed a \$5,500 penalty (Penalty Assessment) against Explorers 3, LLC d/b/a Evergreen Escapes (Evergreen Escapes or Company) for 55 violations of Washington Administrative Code (WAC) 480-30-221, which adopts by reference 49 C.F.R. Part 391 related to driver qualifications.
- 2 On August 26, 2016, Evergreen Escapes responded to the Penalty Assessment admitting the violations and requesting mitigation of the penalty based on the written information provided.
- 3 On September 7, 2016, the Commission issued Order 01 Granting Mitigation to \$3,000. Order 01 directed the Company to pay the penalty no later than September 21, 2016.
- 4 On September 9, 2016, Commission staff (Staff) contacted the Executive Director and Secretary of the Commission explaining that the Company requested to pay the penalty in installments, and that Staff supports the request. The Company and Staff jointly propose the following payment schedule:

September 21, 2016	\$1,000
October 19, 2016	\$1,000
November 16, 2016	\$1,000

- 5 Staff also proposed that if Evergreen Escapes misses one payment, the entire balance will become due and payable immediately, and that if Evergreen Escapes fails to pay the

entire \$3,000 penalty by November 25, 2016, the Commission may refer the balance to the Attorney General's Office for collection.

**DISCUSSION**

6 The installment payment schedule Staff and the Company propose is reasonable. The Commission approves the proposal with two modifications. Evergreen Escapes must pay the penalty in full no later than November 16, 2016, the date the final payment is due, rather than November 25. In addition, if Evergreen Escapes fails to pay the penalty by the date it becomes due in full – either immediately upon a missed installment, or November 16, 2016, whichever applies – the Commission may cancel the Company's auto transportation certificate.

**ORDER**

THE COMMISSION ORDERS THAT:

7 (1) The \$3,000 penalty is due and payable to the Commission in installments as follows:

September 21, 2016	\$1,000
October 19, 2016	\$1,000
November 16, 2016	\$1,000

8 (2) If Explorers 3, LLC d/b/a Evergreen Escapes fails to pay any installment by 5 p.m. on the date it is due, the unpaid balance will immediately become due and payable without further order by the Commission.

9 (3) If Explorers 3, LLC d/b/a Evergreen Escapes fails to pay any portion of the assessed penalty by the due date, the Commission may cancel the Company's auto transportation by order in this docket.

10 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 September 12, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



STEVEN V. KING

Executive Director and Secretary

**NOTICE TO PARTIES:** This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.

