

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

DOCKET TC-152296
(Consolidated)

SANI MAHAMA MAUROU d/b/a
SEATAC AIRPORT 24

ORDER 04

For Compliance with WAC 480-30-221
.....

In re the Application of

DOCKET TC-160324
(Consolidated)

SANI MAHAMA MAUROU d/b/a
SEATAC AIRPORT 24

ORDER 02

For reinstatement of authority to operate as
an auto transportation company and
charter and excursion carrier
.....

In the Matter of a Penalty Assessment
Against

DOCKET TC-160187
(Consolidated)

SANI MAHAMA MAUROU d/b/a
SEATAC AIRPORT 24

ORDER 04

FINAL ORDER DENYING STAFF
PETITION FOR
ADMINISTRATIVE REVIEW

in the amount of \$29,200

BACKGROUND

1 The Washington Utilities and Transportation Commission (Commission) conducted brief adjudicative proceedings in these dockets on March 7, 2016, and July 11, 2016, to address (1) Commission staff’s (Staff) unsatisfactory safety rating of Sani Mahama Maurou d/b/a SeaTac Airport 24 (SeaTac Airport 24 or Company); (2) SeaTac Airport 24’s request for mitigation of the penalty assessed against the Company for 292 violations of WAC 480-30-221; and (3) the Company’s application to reinstate its certificate to provide auto transportation service.

- 2 On July 14, 2016, the Commission entered an initial order denying the Company's application for reinstatement and suspending the outstanding portion of all penalties the Commission previously had assessed on condition that SeaTac Airport 24 cease and desist from all regulated auto transportation services (Initial Order).¹
- 3 On July 25, 2016, Staff filed a petition for administrative review of the Initial Order (Petition). Staff takes issue with the decision to suspend all of the penalty amounts and requests that the Commission require SeaTac Airport 24 to pay the remaining balance of the \$5,200 penalty the Commission assessed for the Company's 292 safety violations.

DISCUSSION AND DECISION

- 4 We deny the Petition. We share Staff's concern that companies that violate safety regulations should be held accountable for their conduct. Our primary goal in any enforcement proceeding, however, is to take the action necessary to ensure that companies and individuals comply with applicable statutes and Commission rules. The Commission has denied the Company's application to reinstate its certificate and ordered SeaTac Airport 24 not to provide regulated auto transportation service. Continuing to impose penalties for violating safety regulations applicable to such operations will have no impact on the Company's compliance with those regulations because they no longer apply to SeaTac Airport 24. We thus see nothing to be gained by imposing the \$5,000 that remains outstanding from the \$5,200 the Commission penalized the Company for violating now inapplicable safety laws.
- 5 Staff nevertheless contends that suspension of the entirety of the penalty amounts does not adequately punish SeaTac Airport 24. Staff observes that the Initial Order includes a finding that the Company intentionally violated a cease and desist order and the underlying statute by continuing to operate after the Commission cancelled the Company's certificate. Such behavior, according to Staff, warrants higher, not lower, monetary penalties. Again we take a different view under the circumstances presented here.
- 6 The Company's conduct after the Commission cancelled its certificate was a primary factor in determining that SeaTac Airport 24 is not fit, willing, and able to provide auto transportation service to the Commission's satisfaction. Denial of the Company's authority to operate is the ultimate sanction for its behavior. We do not find it necessary to require SeaTac Airport 24 also to pay monetary penalties, at least at this point in time, when the Company is no longer in business and thus is unable to generate revenues to pay those

¹ Paragraphs 1-17 of that order describe the procedural background of this proceeding, which the Commission adopts and will not repeat for purposes of this order.

penalties. Indeed, the Commission typically waives most or all monetary penalties against a company that relinquishes its certificate for this very reason.²

7 Further, the Initial Order did not waive the outstanding penalties but required the penalties to remain suspended unless SeaTac Airport 24 continues to offer services for which it lacks regulatory authority and which would be in violation of the Commission's orders. If the Company continues to ignore and defy the Commission's orders and the laws of this State, the Commission will not hesitate to impose and aggressively collect the \$25,000 in suspended penalties, including pursuing the Company in Superior Court for violation of the Commission's orders.

8 We find that denying the Company's application to reinstate its certificate is sufficient action to enforce the Commission's order and rules in this case.

ORDER

9 The Commission DENIES Staff's Petition for Administrative Review of the Initial Order.

DATED at Olympia, Washington, and effective August 16, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

PHILIP B. JONES, Commissioner

ANN E. RENDAHL, Commissioner

² See, e.g., *Washington Utils. & Transp. Comm'n v. Seventh Generation*, Docket TC-140414, Notice (June 25, 2015) (waiving suspended penalty after company voluntarily surrendered its certificate and was no longer in business); *In re Big Sky Bus Lines, Inc.*, Docket TE-160687, Notice Withdrawing Penalty (July 13, 2016) (withdrawing penalty against company that cancelled its certificate).