



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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July 23, 2020

Mark L. Johnson Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. Earl Alexander d/b/a Puget Sound Tours*
Commission Staff Recommendation to Waive Suspended Penalties of Order 01
Docket TE-180197

Dear Mr. Johnson:

On May 23, 2018, the Commission entered Order 01 in Docket TV-180197 – Order Denying Mitigation; Suspending Penalty Subject to Conditions. The Order denied Earl Alexander d/b/a Puget Sound Tours' (Puget Sound Tours or Company) request for mitigation, assessed a penalty of \$1,800, and suspended a \$1,000 portion of the penalty subject to the following conditions:

- (1) By July 6, 2018, Puget Sound Tours must provide documentation to staff establishing that the company corrected the violations cited in the penalty assessment;
- (2) By July 6, 2018, Puget Sound Tours must provide to staff a thorough explanation of the steps the company has taken to ensure the violations will not reoccur;
- (3) Puget Sound Tours may not incur any repeat violations of critical regulations;
- (4) By June 16, 2018, Puget Sound Tours must either pay the \$800 portion of the penalty that is not suspended or file jointly with Staff a proposed payment plan.

Order 01 instructed staff to conduct a follow-up review of Puget Sound Tours two years after the effective date of the Order, or June 6, 2020.

On June 25, 2018, the Company paid the \$800 non-suspended portion of the penalty in full. Puget Sound Tours also provided staff sufficient documentation to establish that the Company corrected the violations cited in the penalty assessment.

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On May 14, 2020, staff began the follow-up review as required in Order 01. During the course of the follow-up review, staff identified one repeat violation of a critical regulation. Puget Sound Tours operated one of its commercial motor vehicles without a current periodic inspection.

On July 1, 2020, Puget Sound Tours submitted a voluntary cancellation of its certificate due to the economic downturn associated with the COVID-19 pandemic.¹ Due to the cancellation of the company's certificate, staff was unable to complete the review as ordered.

Staff finds that Puget Sound Tours failed to satisfy each requirement of Order 01 by receiving a repeat violation of a critical regulation. Taking into consideration that the Company is no longer operating, staff recommends that the \$1,000 suspended penalty be waived. Staff further recommends that if Puget Sound Tours applies for reinstatement in the future, that staff verify the Company has current periodic inspections on each of its commercial motor vehicles prior to issuance of certificate.

If you have any questions, please contact Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety at Jason.Sharp@utc.wa.gov or at (360) 701-1603.

Sincerely,

Kathy Hunter
Director, Transportation Safety

¹ TE-200603