

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Penalty Assessment
Against BEELINE TOURS, LTD., in the
Amount of \$3,300

DOCKET TE-110155

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 Beeline Tours, Ltd. (“Beeline Tours” or “the
Company”) and the Staff of the Washington Utilities and Transportation Commission
 (“Staff”). Both parties have signed the Settlement Agreement, which is included with this
Narrative. This Narrative summarizes the Settlement Agreement. It is not intended to
modify any terms of the Settlement Agreement.

II. PROPOSALS FOR REVIEW PROCEDURE

2 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 both Parties, 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 suggest that a formal settlement hearing
along with the opportunity for public comment are unnecessary in this case.

3 The Parties do not intend to file documentation supporting the Settlement
Agreement, with the exception of the Settlement Agreement itself and this Narrative. If the
Commission requires supporting documents beyond the Settlement Agreement, Narrative,

and the other documents on file in this docket, the Parties will provide documentation as reasonably needed.

4 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 details of the Settlement Agreement, and its costs and benefits, should such testimony be required. In addition, both Staff and the Company are available to respond to any questions the Commission may have regarding the proposed Settlement Agreement.

5 The Parties request a streamlined review of the proposed Settlement Agreement. 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

6 The underlying dispute concerns a penalty assessment issued by the Commission against Beeline Tours at the request of Staff on March 1, 2011. On January 11, 2011, Staff completed a compliance review of Beeline Tours and identified 33 violations of WAC 480-30-221, which adopts by reference Title 49, CFR Part 391.45(b)(1), using a driver not medically examined and certified during the preceding 24 months. (Two employees, Andre Coleman and Edilberto Quinteros, drove on 33 occasions with expired medical certificates.)

7 In a Notice of Penalties Incurred and Due for Violations of Laws and Rules issued to Beeline Tours on March 1, 2011, the Commission assessed penalties of \$3,300 for 33 violations of Commission rules. On March 15, 2011, Beeline Tours filed a request for hearing. On April 14, 2011, based on a request by the Commission, Beeline Tours filed its

reasons in support of its Mitigation Request. While the Company did not dispute the underlying facts of the investigation, it asked that the penalty amount be reduced to \$300. The Commission scheduled a brief adjudicative proceeding for May 12, 2011. Prior to the hearing, the Parties engaged in a settlement conference on May 4, 2011, and subsequently agreed to a resolution of all issues raised by the penalty assessment filed in this docket.

IV. SUMMARY OF PROPOSED SETTLEMENT

8 The Settlement Agreement resolves all of the issues in dispute. Beeline Tours admits that the 33 violations WAC 480-30-221 occurred. Beeline Tours agrees to pay the Commission penalties totaling \$1,300. The amount shall be ordered due and payable after the Commission issues its order approving this Agreement. Beeline Tours agrees that the remaining \$2,000 penalty amount shall be suspended for, and waived after, one year from the date the Commission approves this Settlement Agreement, provided that Beeline Tours, upon inspection by Staff, incurs no repeat violations of CFR Part 391.45(b)(1) and receives no conditional or unsatisfactory safety ratings during that year. Staff will conduct a compliance review inspection within one year from the date the Commission approves this Settlement Agreement and will provide Staff's recommendation on whether the suspended penalty should be waived or imposed.

V. STATEMENT OF PARTIES' INTERESTS AND THE PUBLIC INTEREST

9 As stated in the Settlement 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. It is in the public interest that this dispute conclude without the further expenditure of public resources

on litigation expenses. The Commission will receive the \$1,300 penalty amount without expending resources on litigation. Likewise, it is in the public interest that the Settlement Agreement contains a provision that the suspended \$2,000 penalty may be waived if the Company complies with the conditions in the Settlement Agreement, or imposed if the Company does not so comply. The compliance review of Beeline Tours that Staff will commence within one year will enable the Commission to ascertain the Company's compliance with the Settlement Agreement's provisions, and to determine whether the suspended penalty should be imposed or waived.

10 For the reasons explained above, these commitments, and the Settlement Agreement as a whole, are in the public interest, as well of interests of the Parties. Staff and Beeline Tours, therefore, recommend that the Commission approve the Settlement Agreement in its entirety.

VI. LEGAL POINTS THAT BEAR ON PROPOSED SETTLEMENT

11 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


12 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 Settlement Agreement in full.

Respectfully submitted this 5th day of May, 2011.

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

BEELINE TOURS, LTD.

ROBERT M. MCKENNA
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Counsel for the Utilities and
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MICHAEL ROGERS
President

Dated: May 5, 2011

Dated: _____, 2011

Respectfully submitted this ___ day of May, 2011.

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

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Dated: _____, 2011

BEELINE TOURS, LTD.


MICHAEL ROGERS
President

Dated: 5/5/ _____, 2011