

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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| <p>WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,</p> <p style="text-align: center;">Complainant,</p> <p style="text-align: center;">v.</p> <p>BLESSED LIMOUSINE, INC.,</p> <p style="text-align: center;">Respondent.</p> | <p>DOCKET TE-200016</p> <p>ORDER 01</p> <p>NOTICE OF INTENT TO CANCEL CERTIFICATE; NOTICE OF OPPORTUNITY FOR HEARING</p> |
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1 The Washington Utilities and Transportation Commission (Commission) on its own motion, and through Commission staff (Staff), allege as follows:

I. PARTIES

2 The Commission is an agency of Washington state authorized by state law to regulate the rates, services, facilities, and practices of public services companies, including charter and excursion carriers, under the provisions of Title 81 RCW. RCW 81.70.270 authorizes the Commission to regulate the driver qualifications, equipment safety, and operational safety of charter and excursion carriers.

3 Blessed Limousine, Inc., (Blessed Limo) is a charter and excursion carrier subject to Commission regulation that operates both intrastate and interstate.

II. BACKGROUND

4 The Commission has information from which it believes and therefore alleges that Blessed Limo has violated the Commission’s statutes and safety regulations, namely, WAC 480-30-221.

5 RCW 81.04.110 authorizes the Commission to file a complaint on its own motion, setting forth any act done or failed to be done by any public service corporation in violation, or claimed to be in violation, of any provision of law or of any rule or order of the Commission. WAC 480-30-171(2) states that the Commission may cancel a charter and excursion carrier’s certificate for cause. While WAC 480-30-171(2) lists several conditions that constitute good cause, good cause is not limited to the enumerated conditions.

6 The following facts establish probable cause for the Commission to complain against Blessed Limo in accordance with applicable law.

III. FACTUAL ALLEGATIONS

7 On May 15, 2019, the Commission entered Order 01 in Docket TE-190072 imposing penalties on Blessed Limo, denying the company's request for mitigation, and suspending a portion of the penalty. The Commission found in part that Blessed Limo had violated 49 C.F.R. Part 395.8(a) 120 times by allowing drivers to drive without making records of duty status. The Commission further noted that the company had addressed these violations as part of its corrective action safety plan and had set in place a remedy to prevent future violations. The Commission ultimately found that the company committed 127 violations of Chapter 480-30 WAC and Title 49 C.F.R.

8 On October 31, 2019, the Federal Motor Carrier Safety Administration (FMCSA) concluded a safety review of Blessed Limo. FMCSA determined that Blessed Limo had committed the following 59 critical or acute violations: 3 violations of 49 C.F.R. Part 383.37(a), 4 violations of 49 C.F.R. Part 391.51(b)(2), 49 violations of 49 C.F.R. Part 395.8(a)(1), 2 violations of 49 C.F.R. Part 396.17(a), and 1 violation of 49 C.F.R. Part 396.9(c)(2). As a result of these violations, FMCSA gave Blessed Limo a proposed unsatisfactory rating.¹

9 On November 19, 2019, FMCSA sent a letter to Blessed Limo stating that Blessed Limo had received a proposed unsatisfactory safety rating, and that the rating would become effective in 45 days if Blessed Limo did not take the necessary steps to improve its safety rating.

10 On January 4, 2020, Blessed Limo was designated "out-of-service" by FMCSA.

11 On January 6, 2020, Staff confirmed that Blessed Limo's proposed unsatisfactory rating had become effective.

12 Staff asserts that the fact that Blessed Limo has been placed out of service by FMCSA for critical and acute violations of federal motor carrier regulations, all of which have been adopted by the Commission, presents the Commission with good cause to cancel Blessed Limo's certificate. Staff further argues that Blessed Limo's continued violation of Commission rules pertaining to charter and excursion carriers (WAC 480-30-221) also presents good cause to cancel the company's certificate. Staff is particularly concerned about the repeated violation of 49 C.F.R. Part 395.8(a)(1) after the company purported in its safety plan to have corrected this violation and the fact that the company operated an out-of-

¹ In addition to the 59 critical or acute violations, FMCSA determined that Blessed Limo had committed 53 other violations of motor carrier safety regulations that did not amount to critical or acute violations.

service vehicle prior to remedying the conditions that led to the vehicle being placed out-of-service, which conduct violates 49 C.F.R. Part 396.9(c)(2).

IV. JURISDICTION

13 The Commission has jurisdiction over the subject matter of this complaint under RCW 80.01.040, RCW 80.01.060, RCW 81.01.010, RCW 81.04.020, RCW 81.04.110, RCW 81.04.160, RCW 81.04.380, chapter 81.70 RCW, and chapter 34.05 RCW.

V. APPLICABLE LAWS AND REGULATIONS

14 Under RCW 81.04.010(11), the term “common carrier” includes all charter party carriers and excursion service carriers. RCW 81.04.010(16) further defines “public service company” to include every common carrier.

15 RCW 81.04.160 authorizes the Commission to adopt rules regarding the services provided by public service companies. Additionally, RCW 81.70.270 specifically states that it is the Commission’s duty “to regulate charter party carriers and excursion carriers with respect to safety of equipment, driver qualifications, and safety of operation.”

16 WAC 480-30-036 defines a “passenger transportation company” as “an auto transportation company or charter and excursion carrier.” WAC 480-30-221 contains the Commission’s rules regarding vehicle and driver safety requirements for passenger transportation companies. WAC 480-30-221 has specifically incorporated 49 C.F.R. Parts 383, 391, 395, and 396 into the Commission’s rules, either in part or entirely. WAC 480-30-999.

17 WAC 480-30-171(2) states that the Commission may cancel a charter and excursion carrier’s certificate for cause. While WAC 480-30-171(2) lists several conditions that constitute good cause, good cause is not limited to the enumerated conditions.

18 RCW 81.70.370 provides in part that it “is unlawful for any motor carrier to perform transportation service for compensation upon the public highways of this state without first having secured appropriate federal authority from the United States department of transportation, if such authority is required.”

19 Furthermore, RCW 81.04.540 states “[t]he [C]ommission shall cooperate with the federal government and the United States Department of Transportation, or its successor, or any commission or agency delegated or authorized to regulate interstate or foreign commerce by common carriers, to the end that transportation of property and passengers by common carriers in interstate or foreign commerce into and through the state of Washington may be regulated and that the laws of the United States and the state of Washington are enforced and administered cooperatively in the public interest.”

VI. COMPLAINT

20 The Commission, through its Staff, re-alleges the allegations contained in paragraphs 7 through 12 above.

VII. REQUEST FOR RELIEF

21 Staff requests that the Commission cancel Blessed Limo's certificate pursuant to WAC 480-30-171(2).

VIII. PROBABLE CAUSE

22 Based on a review of the factual allegations above, and consistent with RCW 80.01.060, RCW 81.01.010, and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

IX. NOTICE OF INTENT TO CANCEL AND OPPORTUNITY FOR A HEARING

23 WAC 480-30-171(2) states that the Commission may cancel a charter and excursion carrier's certificate for cause. While WAC 480-30-171(2) lists several conditions that constitute good cause, good cause is not limited to the enumerated conditions. Staff asserts that the fact that Blessed Limo has been placed out of service by FMCSA for critical and acute violations of federal motor carrier regulations, all of which have been adopted by the Commission, presents the Commission with good cause to cancel Blessed Limo's certificate. Staff further argues that Blessed Limo's continued violation of Commission rules pertaining to charter and excursion carriers (WAC 480-30-221) also constitutes good cause to cancel the company's certificate.

24 **THE COMMISSION GIVES NOTICE That it intends to cancel the certificate and authority of Blessed Limo to provide services as a charter and excursion carrier for cause.**

25 **NOTICE OF OPPORTUNITY FOR HEARING.** Blessed Limo may request a hearing to contest the factual allegations set out in this notice. Blessed Limo may request such a hearing by filing a written request for a hearing with the Commission by **February 28, 2020**. The request must be directed to the attention of Mark L. Johnson, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TE-200016.

26 If Blessed Limo requests a hearing by **February 28, 2020**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Blessed Limo does not request a hearing by that date, the Commission will enter an order cancelling Blessed Limo's certificate.

DATED at Lacey, Washington, and effective February 7, 2020.

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Judge
Director, Administrative Law Division

Inquiries should be addressed to:

Executive Director and Secretary
Washington Utilities and
Transportation Commission
621 Woodland Square Loop S.E.
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160