BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against: TC BLACK LLC	DOCKET TE-260543 ORDER 01 ORDER INSTITUTING SPECIAL PROCEEDING; COMPLAINT SEEKING TO IMPOSE PENALTIES; NOTICE OF VIRTUAL PREHEARING CONFERENCE **(Set for November 19, 2026, at 9:30 a.m.)**

INTRODUCTION

1 The Washington Utilities and Transportation Commission (Commission), pursuant to Revised Code of Washington (RCW) 81.04.510, institutes this special proceeding on its own motion to determine whether TC Black LLC (TC Black or Company) has engaged, and is engaging, in unlawful operations without a charter party and excursion service carrier certificate in violation of RCW 81.70.220.

2 The Commission has information from which it believes and therefore alleges that TC Black has advertised, solicited, offered, or entered into one or more agreements to provide charter party or excursion carrier service within the state of Washington without having first obtained a charter party and excursion service carrier certificate.

3 Pursuant to RCW 81.04.510, upon proof of these allegations, the Commission is authorized to issue an order requiring TC Black to cease and desist activities subject to regulation under Title 81 RCW. In addition, RCW 81.04.110 authorizes the Commission to file a complaint on its own motion setting forth any act or omission by TC Black that violates any law, or any order, or rule of the Commission. The Commission may impose financial penalties of up to $5,000 for each violation of RCW 81.70.220.

4 At the hearing in this special proceeding, which will be conducted pursuant to Part IV of the Administrative Procedure Act (APA), chapter 34.05 RCW, of which notice is given

here, the Commission will also consider its Complaint against TC Black alleging violations of law as specified below and will decide whether TC Black should be penalized.

COMPLAINT SEEKING PENALTIES

5 **Parties.** Complainant, the Commission, is an agency of the state of Washington, authorized by state law to regulate the rates, services, facilities, and practices of public service companies, including charter party or excursion service carriers, under the provisions of Title 81 RCW.

6 Respondent, TC Black, is a charter party or excursion service carrier that does business in the state of Washington.

7 **Jurisdiction.** The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 81.04.110, RCW 81.01.010, RCW 81.04.460, RCW 81.04.510, and chapter 81.70 RCW.

8 **Background.** According to the Declaration of the Commission compliance investigator, presented to the undersigned administrative law judge[1] under penalty of perjury, the following facts establish probable cause for the Commission to complain against the activities of TC Black and to seek penalties in accordance with applicable law.

9 On March 5, 2026, Staff discovered that TC Black LLC was advertising on its business website, www.tricitiesblack.com, for services as a charter party or excursion carrier. Staff reviewed the Commission's Companies directory and discovered the Company had no records with the Commission and thus did not have a certificate authorizing it to provide charter party or excursion services.[2]

10 On March 5, 2026, Staff researched company activities and discovered multiple advertisements on social media, including Facebook and Instagram. Both advertisements show advertisements for services requiring a certificate, including executive van services with a seating capacity of more than nine passengers.[3]

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[1] Administrative law judges appointed by the Commission are empowered, among other things, to "make findings of probable cause and issue complaints in the name of the commission." RCW 80.01.060(1).

[2] Declaration of Kathryn McPherson(McPherson Decl.) at ¶ 3.

[3] McPherson Decl. at ¶ 4.

11 On March 05, 2026, Staff reviewed the Company's Department of Revenue (DOR) records. DOR records reflect that the Company holds a for-hire endorsement but no limousine endorsement from the Department of Licensing (DOL), which would qualify the Company for exclusion from the requirement for charter party and excursion carrier certificate based on RCW 81.70.030. Staff reviewed DOL records and discovered that the Company has multiple vehicles with passenger capacity greater than nine and thus requiring authority from the Commission. Staff reviewed records from the Secretary of State (SOS) Corporation and Charities Filing System and discovered that the governing person of TC Black is listed as David McClain (McClain).[4]

12 On June 17, 2026, using a fictitious name, Staff messaged TC Black via the Company's Instagram page requesting services for an executive van rental to transport a wedding party on August 29 for approximately six to eight hours. The Company responded, stating it would be $174 per hour for either the 11-passenger sprinter or the 14-passenger bougie bus.[5]

13 Staff determined that TC Black operated as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission. The Company also advertised and offered to provide charter party or excursion services. In total, Staff found two violations of RCW 81.70.220.[6]

APPLICABLE LAW AND REGULATION

14 Under state law, the definition of "charter party carrier" includes every person "engaged in the transportation over any public highways in this state of a group of persons who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after leaving the place of origin."[7]

15 Under state law, engaging in the business of a charter party carrier or excursion service carrier includes "advertising or soliciting, offering, or entering into an agreement to provide such service."[8]

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[4] McPherson Decl. at ¶ 5.

[5] McPherson Decl. at ¶ 17.

[6] McPherson Decl. at ¶ 18.

[7] RCW 81.70.020(1).

[8] RCW 81.70.220(1).

16 The term "person" can mean a corporation or firm as well as an individual.[9] Specifically included in this term are individuals, firms, corporations, associations, partnerships, lessees, receivers, trustees, consortiums, joint venture, or commercial entities.[10]

17 The term "motor vehicle" means every self-propelled vehicle with seating capacity for seven or more persons, excluding the driver.[11]

18 The term "charter party carrier" or "charter carrier" means every person engaged in the transportation over any public highways in this state of a group of persons who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after leaving the place of origin. A person who is engaged in the transportation of persons by party bus over any public highway in this state is considered engaging in the business of a charter party carrier or excursion service carrier.[12]

19 Charter party and excursion service carriers are common carriers.[13] For the purposes of Title 81 RCW, every common carrier is a public service company.[14]

20 It is illegal to engage in business as a charter party or excursion service carrier within the state of Washington without having first obtained a certificate from the Commission.[15]

21 Any person who engages in business as a charter party or excursion service carrier in the state of Washington without having first obtained a certificate from the Commission is subject to a penalty of up to $5,000 per violation.[16] If the basis for the violation is advertising, each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation.[17]

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[9] RCW 81.70.020(9).

[10] WAC 480-30-036.

[11] RCW 81.70.020(6).

[12] WAC 480-30-036.

[13] RCW 81.04.010(11).

[14] RCW 81.04.010.

[15] RCW 81.70.220(1).

[16] RCW 81.70.220(2).

[17] RCW 81.70.220(1).

22 The Commission is authorized to file a complaint on its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the Commission.[18]

COMPLAINT

23 The Commission, through its Staff, re-alleges the statements contained in paragraphs 5 through 22, above.

24 TC Black has violated RCW 81.70.220(1) at least once by offering charter party or excursion carrier service to transport passengers without first having obtained a certificate from the Commission.

25 TC Black has violated RCW 81.70.220(1) at least once by advertising on Facebook and Instagram to transport passengers without first having obtained a certificate from the Commission.

REQUEST FOR RELIEF

26 Staff requests that the Commission, pursuant to its authority under RCW 81.70.220(2), assess penalties of up to $5,000 per violation, for a total of two violations totaling $10,000, against TC Black. Staff will present testimonial and documentary evidence at an evidentiary hearing to address the factors for determining an appropriate penalty amount. Further, Staff may request that some portion of any penalty imposed be suspended for a period of time sufficient to demonstrate TC Black's intent to comply with all applicable laws and rules governing the charter party and excursion service carrier industry.

PROBABLE CAUSE

27 Based on a review of the Declaration of the Commission compliance investigator assigned to this matter, and consistent with RCW 80.01.060 and Washington Administrative Code (WAC) 480-07-307, the Commission finds probable cause exists to issue this Complaint.

ORDER AND NOTICE OF VIRTUAL PREHEARING CONFERENCE

28 The Commission has jurisdiction to institute a special proceeding to determine whether TC Black is conducting business requiring operating authority or has performed or is performing any act requiring Commission approval without securing such approval pursuant to RCW 80.01.040, RCW 81.01.010, and RCW 81.04.510. In addition to the

[18] RCW 81.04.110.

foregoing statutes, this matter involves Title 81 RCW, including but not limited to RCW 81.04.020, RCW 81.70.220, and RCW 81.70.260. This matter also involves the administrative rules set forth in chapter 480-30 WAC and 480-07 WAC.

29 **THE COMMISSION GIVES NOTICE That it will hold a virtual prehearing conference in this matter at 9:30 a.m. on November 19, 2026. To attend via Zoom, please join the proceeding.[19] To attend by phone, please call (253) 215-8782 and enter the Meeting ID: 818 7971 0702# and Passcode: 765953#**:

30 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence, identify the issues in the proceeding, and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

31 **INTERVENTION**: Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. See WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the conference, **but strongly prefers written petitions to intervene**. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. See WAC 480-07-345(2). Parties with more than one representative must identify one individual as the "lead" for purposes of official service. Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

32 **THE COMMISSION GIVES NOTICE** that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.

33 The names and mailing addresses of all known parties and their known representatives are as follows:

Carrier: TC Black LLC
David McClain
1702 W 25th Place
Kennewick, WA 99337
(509) 596-1248

[19] https://utc-wa-gov.zoom.us/j/81879710702?pwd=oMfBQtRaNqzqRTafB7qoapSnS7DPHx.1

contact@tricitiesblack.com

Representative: Unknown

Commission: Washington Utilities and
Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Cassandra Jones, WSBA #42216
Assistant Attorney General
Office of the Attorney General
Utilities and Transportation Division
P.O. Box 40128
Olympia, WA 98504-0128
(360) 890-0480
cassandra.jones@atg.wa.gov

34 Administrative Law Judge Harry Fukano, from the Commission's Administrative Law Division, is designated to preside at the hearing of these matters.[20]

35 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Lacey, Washington, and effective August 26, 2026.

/s/ Connor Thompson
CONNOR THOMPSON
Director, Administrative Law Division

Inquiries should be addressed to:

Jeff Killip
Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

[20] Judge Fukano can be reached by telephone at (360) 664-1285 or by email at harry.o.fukano@utc.wa.gov.

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