



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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August 11, 2020

RE: *In the Matter of the Penalty Assessment Against Earl Alexander, d/b/a Puget Sound Tours*, Docket TE-180197

TO ALL PARTIES:

On April 4, 2018, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment (Penalty Assessment) against Earl Alexander, d/b/a Puget Sound Tours (Puget Sound Tours), in the Amount of \$1,800 for violations of Washington Administrative Code (WAC) 480-30-221 – Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (CFR) Part 382 – Controlled Substances and Alcohol Use and Testing; Part 391 – Qualification of Drivers; and Part 396 Inspection, Repair, and Maintenance.

On May 23, 2018, the Commission entered Order 01, Denying Mitigation; Suspending Penalty Subject To Conditions (Order 01). Order 01 reimposed the penalty of \$1,800 against Puget Sound Tours, \$1,000 of which was suspended for two years, to be waived thereafter, subject to the conditions that: (1) within 30 days of the effective date of Order 01, Puget Sound Tours provide documentation to Staff establishing that the Company corrected the violations cited in the Penalty Assessment; (2) within 30 days of the effective date of Order 01, Puget Sound Tours provide to Staff a thorough explanation of the steps the Company took to ensure the violations will not reoccur; (3) Puget Sound Tours not incur any repeat violations of critical regulations; and (4) Puget Sound Tours pay the \$800 portion of the penalty that was not suspended within 10 days of the effective date of Order 01.

On July 23, 2020, Staff filed a letter in this docket informing the Commission that the Company had timely paid the \$800 portion of the penalty that was not suspended, but that upon a follow-up inspection, Staff identified one repeat violation of a critical regulation. In its letter, Staff states that before it could complete its review, the Company voluntarily cancelled its certificate due to the economic downturn associated with the COVID-19 pandemic. Staff recommends that the Commission waive the suspended penalty due to the voluntary cancellation.

The Commission's ultimate goal in any enforcement action is compliance. Because the Company is no longer operating, the Commission finds good cause to waive the remaining penalty. The \$1,000 portion of the penalty that was suspended is now waived, and this docket is closed.

MARK L. JOHNSON
Executive Director and Secretary