

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION,

Complainant,

v.

RIDE THE DUCKS OF SEATTLE,
L.L.C. d/b/a SEATTLE DUCK
TOURS,

Respondent.

DOCKET TE-151906

RESPONSE TO RIDE THE DUCKS
PETITION TO REINSTATE
“STRETCH DUCK” VEHICLES

1. The Public Counsel Unit of the Attorney General’s Office files this response in accordance with the Commission’s notice dated July 14, 2017. Public Counsel recommends that the Commission deny Ride the Ducks Petition to Reinstate “Stretch Duck” Vehicles (Petition).¹
2. The Commission clearly prohibited Ride the Ducks from providing regulated excursion service using its stretch duck vehicles until the Company demonstrates that the vehicles pose no danger to public safety. Order 05 ¶¶ 13, 24. The Commission did not reach the decision to prohibit Ride the Ducks from operating a portion of its business lightly, and it did so weighing the evidence and danger to public safety. Order 05 ¶ 14.

¹ Public Counsel did not receive a copy of Ride the Ducks’ petition and was not able to access a copy via the Commission’s website. The Commission’s Notice of Opportunity to Respond contains a summary of the Company’s request, and Public Counsel bases our response on the representations in the notice. Additionally, Commission Staff filed its letter in response to the Company’s filing before Public Counsel finalized its response. This response takes into account Commission Staff’s letter responding to the Company’s Petition.


3. Ride the Ducks has represented that it will comply with a recall and will make certain repairs. The Company apparently does not say that the repairs have been made or provide evidence of the repairs being completed. The Company's intentions, while the first step in reinstating their certificate to operate, does not meet the Commission's requirement that the Company demonstrate that the vehicles pose no danger to public safety.

4. Public Counsel concurs with the recommendations of Commission Staff to obtain third party verification that the new axle installation meets or exceeds applicable federal motor vehicle safety standards, performance of annual inspections and correction of any defects discovered during the inspections, and performance of Level VII commercial vehicle inspections on any Duck vehicle the Company proposes to operate. Public Counsel would also note that future inspections conducted by regulators could potentially result in further regulatory penalties that could be imposed in future proceedings if violations are found.

5. At this time, Ride the Ducks has not demonstrated that the Stretch Duck vehicles pose no immediate threat to public safety. As a result, the Commission should deny the Petition.

6. DATED this 21th day of July, 2017.

ROBERT W. FERGUSON
Attorney General


LISA W. GAFKEN
Assistant Attorney General
Public Counsel Unit Chief