

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of and Complaint
for Penalties Against

TO THE MOUNTAIN SHUTTLE, LLC

DOCKET TE-250055

ORDER 03

IMPOSING SUSPENDED PENALTY

BACKGROUND

- 1 On February 13, 2025, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Instituting Special Proceeding; Complaint Seeking to Impose Penalties; Notice of Virtual Hearing (Order 01). Order 01, among other things, alleged that To The Mountain Shuttle, LLC (To The Mountain or Company) violated Revised Code of Washington (RCW) 81.70.260(1) at least 11 times between May 21, 2024, and January 27, 2025, by:
- (1) providing charter party or excursion carrier services by transporting passengers to and from the Snoqualmie Pass Ski Area at least twice after its certificate was cancelled by the Commission;
 - (2) offering to provide charter party or excursion carrier service to transport passengers after its certificate was cancelled by the Commission at least once; and
 - (3) advertising to provide charter party or excursion carrier service to transport passengers at least eight times after its certificate was cancelled by the Commission
- without first obtaining the necessary certificate required for such operation from the Commission.
- 2 On March 3, 2025, the Company filed a signed hearing waiver with the Commission, waiving its right to a hearing in this matter, admitting to the violations alleged in Order 01, and requesting the Commission render a decision without a hearing. On this same date, the parties filed a settlement agreement (Settlement), resolving all contested issues in this proceeding. On March 5, 2025, the parties filed a revised Settlement.

- 3 On March 25, 2025, the presiding Administrative Law Judge (presiding ALJ) contacted the parties to clarify how many violations the Company was admitting to in the admission contained in paragraph four of the Settlement. That same day, Commission staff (Staff)¹ clarified that the admission in paragraph four was intended to reflect an admission to the 11 violations alleged in Order 01. On March 26, 2025, the Company also confirmed that the admission in paragraph four was intended to reflect an admission to the 11 violations alleged in Order 01.
- 4 On April 2, 2025, the Commission entered Order 02, Approving Settlement Agreement Subject to Conditions (Order 02). Order 02 imposed a total penalty of \$55,000 against the Company and suspended a \$50,000 portion of the penalty for a period of two years, to be waived, provided that To The Mountain: (1) refrains from operating as a charter party or excursion carrier without first obtaining the required authority from the Commission; (2) pays the \$5,000 portion of the penalty that was not suspended in 10 equal monthly installments of \$500 per month, as set forth in the payment schedule of the Settlement; and (3) complies with all other terms of the Settlement incorporated into Order 02.
- 5 On April 16, 2025, the Commission entered a Notice of Acceptance of Condition, stating that the parties had informed the presiding ALJ that they accepted the conditions placed on the Settlement by the Commission in Order 02.
- 6 On July 8, 2025, Staff filed a letter indicating that the Company failed to make any of the agreed monthly payments toward the \$5,000 portion of the penalty that was not suspended as required by Order 02. Accordingly, Staff now recommends that the Commission cancel the payment arrangement and make the entire \$55,000 penalty immediately due and payable.
- 7 To date, To The Mountain has not filed any response to Staff's recommendation to impose the penalties suspended by Order 02.

¹ In formal proceedings such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To ensure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

DISCUSSION

- 8 Order 02 required To The Mountain to make monthly payments towards the \$5,000 portion of the penalty that was not suspended pursuant to the approved payment plan. Order 02 further provided that failure to make payments pursuant to the payment plan would result in the imposition of the entire penalty amount, which would become immediately due and payable by the Company.
- 9 The Commission finds that To The Mountain has violated the terms of Order 02 by failing to make monthly payments pursuant to the approved payment plan consistent with the terms of Order 02.
- 10 The Commission finds that the entire \$55,000 penalty should be made immediately due and payable by To The Mountain due to the Company's failure to comply with the conditions established in Order 02.

ORDER

THE COMMISSION ORDERS:

- 11 (1) To The Mountain Shuttle, LLC has failed to comply with the conditions of the suspended penalty imposed by Order 02.
- 12 (2) The full \$55,000 penalty imposed by Order 02 is now due and payable by To The Mountain Shuttle, LLC.

DATED at Lacey, Washington, August 6, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Harry Fukano

HARRY FUKANO

Administrative Law Judge

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-610(7) provides that any party to this proceeding has twenty-one (21) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).