BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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| In the Matter of the Penalty Assessment AgainstEXCALIBUR LIMOUSINE, LLCIn the Amount of $1,800 | DOCKET TE-130198COMMISSION STAFF’S PETITION FOR ADMINISTRATIVE REVIEW OF INITIAL ORDER  |

1. Pursuant to WAC 480-07-825(1), Commission Staff (Staff) submits this Petition for Administrative Review of Order 01, Initial Order Granting Mitigation (Order 01) in the above referenced docket. Specifically, Staff requests review and correction of the ordered regulatory fee amount, and the law cited in footnote 2 of Order 01 supporting the amount. Staff does not otherwise challenge Order 01.

**I. ARGUMENT**

1. RCW 81.70.350 authorizes the Commission to establish and collect an annual regulatory fee from all charter and excursion carriers holding a certificate from the Commission. RCW 81.70.350(3) also provides that any payment of the fee made after its due date of December 31 shall include a late fee of two percent of the amount due, and delinquent fees shall accrue interest at a rate of one percent per month.
2. WAC 480-30-076(2) provides that the regulatory fee for charter and excursion carriers is established by Commission order, and also that the minimum fee a charter and excursion carrier must pay is the amount established for a single vehicle.
3. Pursuant to the above statute and rule, the Commission established the regulatory fee currently applied to intrastate charter and excursion carriers at $25 per vehicle in Order 01 in Docket TE-071858.[[1]](#footnote-1)
4. Excalibur Limousine held a Commission certificate to operate as an intrastate charter party and excursion service carrier. As such, it is subject to a minimum annual regulatory fee of $25. This is also consistent with the record in this case, which reflects that the carrier was informed of the fee, that the fee was not paid, and that with late fees and interest charges the total regulatory fee amount due is $26.25.[[2]](#footnote-2)
5. Order 01 correctly holds that Excalibur should be assessed a penalty, as well as pay the annual regulatory fee that includes an automatic late fee and interest charges. However, in Paragraphs 11 and 13, it incorrectly orders that the regulatory fee due is *$20*, plus late fees and interest, for a total of $20.60.[[3]](#footnote-3) Adding the correct minimum annual regulatory fee plus late fee and interest to the assessed $250 penalty, Paragraph 14 of Order 01 should be changed to require the total sum of $276.25 immediately due and payable.
6. Staff respectfully requests that the Commission correct Order 01 consistent with the above, and otherwise affirm the Order.

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DATED this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2013.

 Respectfully submitted,

ROBERT W. FERGUSON

Attorney General

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MICHAEL A. FASSIO

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1. See *In the Matter of Fees to be Paid by Charter Party and Excursion Service Carriers under RCW 81.70.350 and WAC 480-30-076*, Order 01, Order Establishing Regulatory Fees at $25 Per Vehicle Operated In Intrastate Commerce for Charter Party and Excursion Service Carriers, Docket TE-071858 (November 7, 2007). [↑](#footnote-ref-1)
2. See, i.e., Exhibit MP-1, pages 5, 8-9, 14, and 24. See also, i.e., Perkinson TR. 44:2-24, 49:4 – 50:2. [↑](#footnote-ref-2)
3. The source of the erroneous calculation appears to be Order 01’s incorrect reliance upon WAC 480-30-076(1). See Order 01, fn. 2. That section of the rule does not apply specifically to regulatory fees for charter and excursion carriers like Excalibur Limousine. Order 01, ¶ 8, also incorrectly summarizes Staff’s recommendation at the close of hearing regarding the regulatory fee. See TR. 82:8 - 83:9. [↑](#footnote-ref-3)