



Bob Ferguson

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Utilities and Transportation Division

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January 10, 2014

Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, Washington 98504-7250

RE: *UTC v. 2C Captains, Inc. d/b/a Let's Tour Seattle*
Docket TE-131923

Dear Mr. King:

Enclosed for filing in the above-referenced docket are the original and one copy of Commission Staff's Response to Bench Request No. 1, and Certificate of Service.

Sincerely,

MICHAEL A. FASSIO
Assistant Attorney General

MAF/emd
Enclosures
cc: Parties w/enc.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF
RESPONSE TO BENCH REQUEST

DATE PREPARED: January 10, 2014
DOCKET: TE-131923
REQUESTER: Bench

WITNESS: Betty Young
RESPONDER: Betty Young
TELEPHONE: (360) 664-1202

BENCH REQUEST NO. 1: Please describe whether 2C Captains, Inc. d/b/a Let's Tour Seattle (2C Captains or Company) has corrected the violations of WAC 480-30-221, 49 C.F.R. § 391 (2013), and 49 C.F.R. § 396 (2013) alleged in the penalty assessment in this docket and is now in compliance with such rules. If the Company has corrected some but not all of the violations, please describe which have been corrected and which are outstanding.

RESPONSE:

2C Captains has corrected the violations of WAC 480-30-221, 49 C.F.R. Part 391.45(b)(1) – Using a driver not medically examined and certified during the preceding 24 months. Mr. Falkenbury's medical certification is current and valid through September 2014.

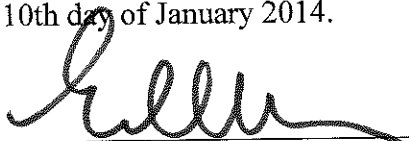
The violations of 49 C.F.R. Part 396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance, and 49 C.F.R. Part 396.11(a) – Failing to require driver to prepare driver vehicle inspection reports (DVIR), are recordkeeping violations. While there is no way to retroactively “correct” the violations for which the penalties were assessed, the Company committed to complying with recordkeeping requirements going forward. As set forth in the proposed Settlement Agreement, Staff will conduct a follow-up compliance review in April 2014 to ensure that the Company has changed its practices and is complying with recordkeeping requirements. The Company has provided Staff a copy of its revised DVIR form currently in use by Company personnel.

The violation of 49 C.F.R. Part 396.17(a) – Using a commercial vehicle not periodically inspected, has been corrected for one of the Company's vehicles. Commission Motor Carrier Staff are certified to conduct commercial vehicle inspections. During the September 2013 compliance review, Staff inspected the vehicle for which the violation was noted and the vehicle passed inspection. This corrected the violation and the vehicle will need to be re-inspected by a certified inspector by September 2014. The Company has a second vehicle that was not present at the September 2013 compliance review, so Staff is unable to verify whether that vehicle has a current inspection. During the follow-up compliance review in April 2014, Staff will verify that the Company has had the second vehicle inspected as required.

Docket TE-131923
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached Response to Bench Request No. 1 upon the persons and entities listed on the Service List below by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

DATED at Olympia, Washington this 10th day of January 2014.



ELIZABETH M. DeMARCO

Respondent:

2C Captains d/b/a Let's Tour Seattle
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Seattle, WA 98106
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