



Bob Ferguson

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Utilities and Transportation Division

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May 8, 2013

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

RE: *WUTC v. Excalibur Limousine, LLC – Penalty Assessment*
Docket TE-130198

Dear Mr. King:

Enclosed for filing in the above-referenced docket are the original and seven copies of Commission Staff's Petition for Administrative Review of the Initial Order, and Certificate of Service.

Sincerely,

MICHAEL A. FASSIO
Assistant Attorney General

MAF/emd
Enclosures
cc: Excalibur Limousine, LLC w/enc.

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Penalty Assessment
Against

EXCALIBUR LIMOUSINE, LLC

In the Amount of \$1,800

DOCKET TE-130198

COMMISSION 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

2 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.

3 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.

4 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

5 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

6 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 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.

7 Staff respectfully requests that the Commission correct Order 01 consistent with the
above, and otherwise affirm the Order.

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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).

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.

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.

DATED this 8th day of May, 2013.

Respectfully submitted,

ROBERT W. FERGUSON
Attorney General

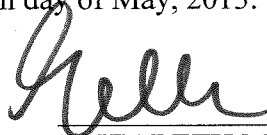


MICHAEL A. FASSIO
Assistant Attorney General
Counsel for Washington Utilities and
Transportation Commission Staff

Docket TE-130198
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached Petition for Administrative Review of Initial Order 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 8th day of May, 2013.



ELIZABETH M. DeMARCO

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