

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

CASCADE ADVENTURES INC.;
CASCADE ADVENTURES BAKER
BUS LLC

DOCKET TE-190086

COMMISSION STAFF'S MOTION
TO IMPOSE SUSPENDED
PENALTIES

I. INTRODUCTION

1 In Docket TE-190086 the Washington Utilities and Transportation Commission (Commission) imposed a penalty on Cascade Adventures Inc.; Cascade Adventures Baker Bus LLC (Cascade Adventures or Company) for violating RCW 81.70.260(1), but suspended a portion of that penalty on the Company's compliance with certain conditions. One of these conditions required the Company to permanently refrain from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission. Commission Staff (Staff) performed a follow-up investigation and determined that the Company continued to operate as a charter party or excursion service carrier without first obtaining the required certificate for such operations from the Commission. The Commission, consequently, should impose the suspended penalty.

II. RELIEF REQUESTED

2 Staff respectfully requests that the Commission order Cascade Adventures to pay the \$8,500 penalty that the Commission imposed, but then suspended, in Docket TE-190086.

III. STATEMENT OF FACTS

3 On March 12, 2019, the Commission entered Order 02 in Docket TE-190086.¹ In
Order 02, the Commission imposed a penalty of \$10,000 on Cascade Adventures for two
violations of RCW 81.70.260(1) for operating as a charter party or excursion service carrier
in the state of Washington after the cancellation of its certificate.²

4 The Commission, however, suspended \$8,500 of the penalty that it imposed,
conditioned on the Company's ongoing compliance with certain conditions.³ One of those
conditions required the Company to permanently refrain from further operations as a charter
party or excursion service carrier in the state of Washington without first obtaining the
required certificate from the Commission.⁴

5 On March 5, 2019, Cascade Adventures filed with the Commission an application
for charter and excursion authority, which was assigned to Docket TE-190165.⁵

6 On March 29, 2019, the Commission granted Cascade Adventures a certificate to
provide charter and excursion service in the state of Washington.⁶ On August 12, 2019, the
Company paid the \$1,500 portion of the penalty that was not suspended in full.⁷

7 On March 25, 2020, Cascade Adventures filed with the Commission its request to
cancel certificate CH-063835.⁸

¹ Declaration of Jason Hoxit at ¶ 3 (citing Attachment A, *In re Determining the Proper Carrier Classification of, and Complaint for Penalties against Cascade Adventures Inc; Cascade Adventures Baker Bus LLC*, Docket TE-190086 Order 02 (March 12, 2019)) (Hoxit Decl.).

² *Id.*

³ *Id.* at ¶ 4.

⁴ *Id.*

⁵ *Id.* at ¶ 6.

⁶ *Id.* at ¶ 7.

⁷ *Id.*

⁸ *Id.* at ¶ 8.

8 On March 25, 2020, the Commission issued a voluntary cancellation letter in Docket TE-200267 notifying Cascade Adventures that its authority to provide charter party and excursion carrier service in the state of Washington is canceled and the Company “must cease all operations associated with this certificate.”⁹

9 In February 2021, Staff performed a follow-up investigation of Cascade Adventures to check for compliance with Order 02 in Docket TE-190086.¹⁰ In the course of that review, Staff determined that the Company failed to comply with the condition in Order 02 in Docket TE-190086 that it refrain permanently from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission.¹¹ Staff documented, as detailed in the Declaration of Jason Hoxit filed concurrently with this Motion, that the Company continued to advertise, operate, and/or offer charter party or excursion service without the required authority from the Commission.¹²

IV. STATEMENT OF ISSUES

10 Should the Commission order Cascade Adventures to pay the \$8,500 portion of the penalty the Commission imposed on the Company, but then suspended, in Docket TE-190086?

V. EVIDENCE RELIED UPON

11 Staff relies on the record in Docket TE-190086 as well as the Declaration of Jason Hoxit and associated attachments, filed concurrently with this Motion.

⁹ *Id.* at ¶ 8 (citing Attachment G, *Voluntary Cancellation of CH063835*, Docket TE-200267 (March 25, 2020)).

¹⁰ *Id.* at ¶ 9.

¹¹ *Id.* at ¶ 9-17.

¹² *Id.*

VI. ARGUMENT

12 In Order 02 in this Docket, the Commission suspended a \$8,500 portion of the \$10,000 penalty it imposed against the Company “for a period of two years from the date of this Order, and waived thereafter, provided Cascade Adventures refrains permanently from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission.”¹³ Based on its investigation conducted in February 2021, Staff determined that the Company continued to operate as a charter party or excursion service carrier without first obtaining the required certificate for such operations from the Commission. The Commission should, accordingly, find that the Company violated the terms of the penalty suspension and order the Company to pay the \$8,500 portion of the penalty imposed in Docket TE-190086 that was conditionally suspended in Order 02.

VII. CONCLUSION

13 Staff respectfully requests that the Commission grant its motion and order the Company to pay the \$8,500 portion of the penalty imposed but suspended in Docket TE-190086.

DATED this 3rd day of March 2021.

Respectfully submitted,

/s/ *Harry Fukano*, WSBA No. 52458
Assistant Attorney General
Office of the Attorney General
Utilities and Transportation
Division
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225
harry.fukano@utc.wa.gov

¹³ *Id.* at Attachment A, ¶ 21.