

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment)	DOCKET TC-060989
Against EDWARD MCINTIRE D/B/A)	
EAGLES CONNECTION in the Amount)	ORDER 02
of \$100.00)	
)	
)	ORDER DENYING MITIGATION
)	
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1 **Penalty:** On June 30, 2006, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in the amount of \$100 against Edward McIntire d/b/a Eagles Connection (Eagles Connection) for one violation of WAC 480-30-120(4), which requires auto transportation carriers to file annual reports to the commission no later than May 1 of each year.

2 **Petition for Mitigation:** On July 19, 2006, Eagles Connection filed a petition for mitigation and waived a hearing. Eagles Connection contended that in November 2005, he notified the Commission that he was likely to cease operations at the end of the year. Eagles Connection asserted that in January 2006, he contacted the Commission and reiterated that he was no longer in business. Eagles Connection asserted that his insurance company also notified the Commission in January 2006 that the required liability insurance had been canceled. Eagles Connection stated that he did not file an Annual Report because he was no longer in business. Eagles Connection asserted that his certificates have been transferred to another company.

3 **Answer:** On August 3, 2006, Commission Staff filed its opposition to the petition for mitigation. Staff stated that Eagles Connection held a valid auto transportation certificate in the year 2005 and is required to file an Annual Report for that year. Staff concurred that in 2006 it was notified by the company's insurance carrier that its insurance would be canceled. Staff asserted that the cancellation does not affect 2005 operations. Staff asserted that the auto transportation permit was suspended in March 2006 for failure to provide insurance and that there is a pending application to transfer the permit to another regulated carrier.

4 **Commission Decision:** The Commission denies mitigation. It is apparent that Eagles Connection provided auto transportation service during the year 2005. Accordingly, it is obligated to file an Annual Report in a timely manner. Eagles Connection failed to file its Annual Report because it was no longer conducting business and believed that the Report was not required under these circumstances. Although the permit is suspended and there is a pending application for transfer, the permit continues to exist and to require Commission administration. Eagles Connection is required to submit an Annual Report for the company's 2005 operations. That Report must be filed within ten days of the date of this Order.

5 It is so ordered.

DATED at Olympia, Washington, and effective September 13, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.