

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment	)	DOCKET TE-131923
Against	)	
	)	
2C CAPTAINS, INC., d/b/a LET'S	)	ORDER 01
TOUR SEATTLE	)	
	)	
In the Amount of \$7,900	)	INITIAL ORDER APPROVING
	)	SETTLEMENT AGREEMENT
	)	
.....	)	

1 **Nature of Proceeding.** On October 15, 2013, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$7,900 against 2C Captains, Inc., d/b/a Let's Tour Seattle (2C Captains or Company) for 79 violations of WAC 480-30-221, Vehicle and driver safety requirements. On October, 30, 2013, 2C Captains requested a hearing to present evidence and argument supporting mitigation of the assessed penalty. The Commission scheduled a brief adjudicative proceeding for December 11, 2013, to provide the hearing the Company requested. The Commission subsequently suspended that hearing at the request of Commission Staff (Staff) to enable it and 2C Captains to finalize a settlement agreement (Settlement Agreement), which the parties filed on December 30, 2013 (attached as Appendix A).

2 **Appearances.** Charles Russell, *pro se*, Seattle, represents 2C Captains. Michael A. Fassio, Assistant Attorney General, Olympia, represents Staff.

3 **Settlement Agreement.** The Settlement Agreement provides that 2C Captains admits the violations in the penalty assessment and agrees to pay \$2,500, with the remainder of the assessed penalty, \$5,400, suspended on condition that the Company complies with the rule and regulations at issue in this docket. 2C Captains will pay the \$2,500 in monthly installments over six months, and Staff will review the Company's compliance in April 2014. Staff will recommend that the Commission waive the \$5,400 that has been suspended if Staff finds 2C Captains is in compliance with the relevant legal obligations and achieves a satisfactory safety rating as a result of Staff's review.

4 **Evaluation of Settlement.** WAC 480-07-750(1) states in part: “The commission will approve settlements when doing so is lawful, the settlement terms are supported by an appropriate record, and when the result is consistent with the public interest in light of all the information available to the commission.” Thus, the Commission considers the individual components of the Settlement Agreement under a three-part inquiry, asking:

- Whether any aspect of the proposal is contrary to law;
- Whether any aspect of the proposal offends public policy; and
- Whether the evidence supports the proposed elements of the Settlement Agreement as a reasonable resolution of the issue(s) at hand.

5 The Commission will take one of three possible actions:

- Approve the proposed settlement without condition;
- Approve the proposed settlement subject to conditions; or
- Reject the proposed settlement.

6 **Commission Decision:** The Commission approves the Settlement Agreement with a clarification and one additional condition. The terms in the Settlement Agreement generally are not contrary to law or public policy and reasonably resolve all issues in this proceeding. The Commission’s primary objective in an enforcement action such as this one is to obtain compliance with applicable law. The Settlement Agreement appropriately requires and encourages 2C Captains to comply with WAC 480-30-221, as well as provides a lesser punishment for the Company’s safety violations.

7 The Settlement Agreement, however, does not specify the day of the month on which 2C Captains must submit the payment installments. The Commission, therefore, will require the Company to submit its payments on or before the final business day of each month. The Commission’s records reflect that 2C Captains has paid two of the installments, totaling \$800, so the remaining four payments of \$425 will be due and payable on or before February 28, 2014, March 31, 2014, April 30, 2014, and May 30, 2014. As an additional condition, if 2C Captains fails to pay any installment by the due date, the entirety of the remaining balance of the penalty, including the \$5,400 that has been suspended, will immediately become due and payable. With that clarification and additional condition, the parties’ negotiated resolution of the issues in this docket is consistent with the public interest.

**ORDER**

**THE COMMISSION ORDERS:**

- 8 (1) The Settlement Agreement attached as Appendix A is approved and  
incorporated into this Order with the following clarifications and condition:
- 9 (a) 2C Captains, Inc., d/b/a Let's Tour Seattle shall be liable for a penalty  
of \$7,900, \$5,400 of which is suspended pending completion of Commission  
Staff's review of the Company's compliance with WAC 480-30-221 in April  
2014;
- 10 (b) 2C Captains, Inc., d/b/a Let's Tour Seattle shall pay \$2,500 of the  
assessed penalty in monthly installments, with the remaining four installments  
of \$425 each due on or before February 28, 2014, March 31, 2014, April 30,  
2014, and May 30, 2014; if the Company fails to make any payment in full on  
or before the date it is due, the entire remaining balance of the assessed  
penalty, including the \$5,400 that has been suspended, will become  
immediately due and payable;
- 11 (c) If, as a result of its April 2014 review, Commission Staff finds 2C  
Captains, Inc., d/b/a Let's Tour Seattle is in compliance with WAC 480-30-  
221 and merits a satisfactory safety rating, Commission Staff will recommend  
to the Commission no later than June 2, 2014, that the \$5,400 suspended  
portion of the penalty should be waived if the Company has also timely made  
all installment payments due under the Settlement Agreement and this Order.
- 12 (2) The Commission retains jurisdiction to enforce the terms of this Order.

Dated at Olympia, Washington, and effective February 10, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA  
Administrative Law Judge

## NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and **seven (7)** copies of any Petition or Answer must be filed by mail delivery to:

Attn: Steven V. King, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250

**APPENDIX A  
Settlement Agreement**