

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

CHRIS ROBERT MILLER,
D/B/A SILVER LIMOUSINE AND
SILVER TRANSPORTATION

DOCKET TE-180455

JOINT NARRATIVE SUPPORTING
SETTLEMENT AGREEMENT

I. INTRODUCTION

1 This Joint Narrative Supporting Settlement Agreement (Narrative) is filed pursuant to Washington Administrative Code (WAC) 480-07-740(3)(a) on behalf of Chris Robert Miller, d/b/a Silver Limousine and Silver Transportation, (Silver Limousine or Company), and Staff of the Washington Utilities and Transportation Commission (Staff) (collectively, “the Parties”). The Parties have signed the settlement agreement (Agreement), which is being filed concurrently with this Narrative. This Narrative summarizes the Agreement. It is not intended to modify any terms of the Agreement.

II. PROPOSAL FOR REVIEW PROCEDURE

2 In accordance with WAC 480-07-740, the Parties propose the following settlement consideration procedure for review of the proposed Agreement. The Parties believe that this matter is a less complex matter under WAC 480-07-740(2)(b). Accordingly, the Parties submit that conducting a hearing will not assist the Commission to decide whether to approve and adopt the settlement because the settlement addresses all issues raised in the complaint and because of Silver Limousine’s cooperation with Staff. *See* WAC 480-07-740(2)(e).

3 If the Commission conducts a hearing, however, the Parties will present one or more witnesses to testify in support of the Agreement and to answer questions concerning the

Agreement's details, costs, and benefits. *See* WAC 480-07-740(3)(b). In addition, counsel for each party will be available to address any legal matters associated with the Agreement. If the Commission requires supporting documents beyond the Agreement, Narrative, and the other documents on file in this docket, the Parties will provide documentation as needed. Mr. Miller does not admit to providing these services but acknowledges this is not a required finding for the violations outlined in the complaint.

III. APPLICABLE LAW

4 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 81.04.110, RCW 80.01.010, RCW 81.04.160, RCW 81.04.460, and RCW 81.70.

IV. SCOPE OF THE UNDERLYING DISPUTE

5 The scope of the underlying dispute is as described in the Staff Investigation Report and complaint filed in this docket on October 24, 2019. The dispute concerns violations of RCW 81.70.220 based on offering and advertising charter party carrier services without first having obtained a certificate from the Commission.

V. DESCRIPTION OF SETTLEMENT AGREEMENT

6 The Agreement resolves all of the issues in dispute. The Parties agree to the following terms set forth in the Agreement:

- Violations: Silver Limousine admits to the violations described in the complaint. Specifically, one violation each for offering and advertising charter party carrier services. In the interest of expediency and to avoid the costs associated with a hearing, Silver Limousine agrees to pay the penalties associated with the violations as described below.

- Monetary penalty: The Commission will impose a total penalty of \$10,000, based on the above violations.
- Payment plan: the penalties shall be paid by Silver Limousine through a payment plan, which will be mutually agreed upon with Staff and submitted to this docket within thirty (30) days of a Commission order accepting this settlement.
- Future enforcement of allegations set forth in complaint: Staff confirms that it will not pursue further enforcement against Silver Limousine arising out of any of the allegations set forth in Docket TE-180455.

VI. STATEMENT OF IMPACT ON THE PUBLIC INTEREST

7 The Parties find it is in their best interests to avoid the expense, inconvenience, uncertainty, and delay inherent in a litigated outcome. Likewise, it is in the public interest that this dispute conclude without the further expenditure of public resources or litigation expenses.

8 In accordance with WAC 480-07-740-750, the Parties believe the Agreement is in the public interest and appropriate for the Commission's acceptance without conditions under WAC 480-07-750(2)(a). The penalty amount agreed to is the proportional to the violations outlined in the complaint given the circumstances, and it is in the public interest to avoid the expense to the state that litigation would entail.

9 The Commission has formally expressed its support for negotiated resolutions of enforcement actions. The rule states, "The commission supports parties' informal efforts to resolve disputes without the need for contested hearings when doing so is lawful and

consistent with the public interest” WAC 480-07-700. For the reasons stated above, the Parties contend that their Agreement is lawful and consistent with the public interest.

VII. CONCLUSION

10 The Agreement resolves all of the issues in this docket and the Parties submit that their resolution complies with applicable legal requirements and is consistent with the public interest. The Parties respectfully request that the Commission issue an order approving the Agreement in its entirety.

DATED this 23rd day of April 2020.

CHRIS ROBERT MILLER,
D/B/A SILVER LIMOUSINE AND
SILVER TRANSPORTATION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

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[See Attachment A]
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