

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

In the Matter of the Penalty Assessment)	DOCKET TC-060989
Against)	
)	ORDER 03
A & B PENINSULA AIRPORTER LLC)	
F/K/A BARRY & AMY MUHLBAIER)	
D/B/A A & B SPECIALIZED)	ORDER DENYING MITIGATION
TRANSPORT)	
)	
in the Amount of \$100.00)	
)	
.....)	

1 **Penalty:** On June 30, 2006, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in the amount of \$100 against A & B Peninsula Airporter LLC f/k/a Barry & Amy Muhlbaier d/b/a A & B Specialized Transport (A & B Peninsula Airporter) 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 6, 2006, A & B Peninsula Airporter filed a petition for mitigation and waived a hearing. A & B Peninsula Airporter stated that the Muhlbaiers formed the new LLC in order to transfer the license authority due to serious medical issues, and Ronald K. Stoner purchased the company on July 1, 2006. A & B Peninsula Airporter stated that it complied as soon as it was aware of the delinquency. A & B Peninsula Airporter further stated that given the marginal dollar nature of this much needed public service, a waiver of the penalty would be in the public’s best interest. A & B Peninsula Airporter submitted its 2005 annual report on May 31, 2006.

3 **Answer:** On July 26, 2006, Commission Staff responded to the petition for mitigation. Staff stated that the transfer of authority from Barry & Amy Muhlbaier d/b/a A & B Specialized Transport to A & B Peninsula Airporter, LLC was approved by the Commission on June 16, 2006, and that Barry and Amy Muhlbaier are listed as 100% members of the LLC. Staff further stated as of July 26, 2006, the Commission has not received an application from A & B Peninsula Airporter to indicate the

Muhlbaier no longer own the company. In addition, Mr. Stoner did not provide an explanation of how a waiver of the penalty would be in the public's best interest, therefore the violation associated with the matter is appropriate. Staff opposes mitigation because the company did operate in the year 2005 and is subject to filing its annual report by May 1. Staff further opposes mitigation because the mitigation application was not filed by the permit holder but by a third party whose name does not appear on the certificate for A & B Peninsula Airporter.

4 **Commission Decision:** The Commission denies mitigation. It is apparent that A & B Peninsula Airporter provided auto transportation service during the year 2005. Accordingly, it is obligated to file an Annual Report in a timely manner.

5 It is so ordered.

DATED at Olympia, Washington, and effective October 19, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary