

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

MARCUS ALLEN PERKINS d/b/a
EMERALD CITY PARTY BUS, LLC
and ELLIE'S LIMO AND LUXURY
CAR SERVICE

DOCKET TE-160822

ORDER 03

ORDER GRANTING PAYMENT
ARRANGEMENT

BACKGROUND

- 1 On October 10, 2016, the Washington Utilities and Transportation Commission (Commission) entered Order 02, Initial Order Classifying Respondent as a Charter Party or Excursion Service Carrier; Ordering Respondent to Cease and Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02). Order 02 assessed a \$20,000 penalty against Marcus Perkins d/b/a Emerald City Party Bus, LLC and Ellie's Limo and Luxury Car Service (Emerald City or Company) for four violations of RCW 81.70.220, a \$16,000 portion of which was suspended for a period of two years subject to conditions. Order 02 required Emerald City either to pay the \$4,000 portion of the penalty that was not suspended or work with Commission staff (Staff) to establish mutually agreeable payment arrangements within 10 days of the effective date of the order.
- 2 On November 30, 2016, Staff filed a letter with the Commission explaining that the Company contacted Staff on November 26, 2016, requesting to pay the penalty in \$200 monthly installments. Although Emerald City failed to submit its request prior to the deadline set out in Order 02, Staff supports the Company's request.¹ Emerald City and Staff jointly propose that the Company be allowed to pay the \$4,000 penalty in 20 consecutive installments of \$200 per month. Each payment would be due and payable no

¹ Staff's response erroneously cites October 10, 2016, as the effective date of Order 02. Initial orders do not become effective, however, until 20 days after the date of entry, provided no party seeks administrative review and if the Commission fails to exercise administrative review on its own motion. Accordingly, Order 02 became final on October 31, 2016, and the penalty was due on November 10, 2016.

later than the 15th day of each month beginning December 15, 2016. If no more than \$200 is paid each month, the final installment of \$200 would be due on July 15, 2018.

DISCUSSION

- 3 The installment payment schedule Staff and the Company propose is reasonable. The Commission approves the proposal with three modifications. First, because six of the proposed due dates fall on weekends, those dates are changed to the following: January 16, 2017; April 17, 2017; July 17, 2017; October 16, 2017; April 16, 2018; and July 16, 2018. All other payments are due on the 15th day of each month as proposed by the parties. Second, Emerald City may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make its timely monthly installment of \$200 until the full unsuspending amount of \$4,000 is satisfied. Finally, if Emerald City fails to pay any installment by the due date, or fails to pay at least the minimum amount of \$200 by the due date, the entire remaining balance of payments and the entire suspended portion of the penalty will become immediately due and payable without further Commission order.

ORDER

THE COMMISSION ORDERS THAT:

- 4 (1) Order 02 is modified to permit Marcus Perkins d/b/a Emerald City Party Bus, LLC and Ellie's Limo and Luxury Car Service to pay the \$4,000 portion of the penalty that has not been suspended in 20 consecutive monthly installments of a minimum of \$200 per month, each of which is due and payable no later than the 15th day of each month beginning December 15, 2016, except as modified in paragraph 3, above. If no more than \$200 is paid each month, the final installment of \$200 will be due on July 16, 2018. The full payment schedule is attached to this Order as Appendix A and incorporated by reference
- 5 (2) If Marcus Perkins d/b/a Emerald City Party Bus, LLC and Ellie's Limo and Luxury Car Service makes additional payments in advance of the due dates or pays an increased amount on the due dates, no additional payment or increased amount will relieve the Company of its obligation to make its timely monthly installment of \$200 until the full unsuspending amount of \$4,000 is satisfied.

- 6 (3) If Marcus Perkins d/b/a Emerald City Party Bus, LLC and Ellie's Limo and Luxury Car Service fails to pay any installment by the due date, or fails to pay at least the minimum amount of \$200 by the due date, the entire remaining balance of payments and the entire suspended portion of the penalty will become immediately due and payable without further Commission order.
- 7 (4) If Marcus Perkins d/b/a Emerald City Party Bus, LLC and Ellie's Limo and Luxury Car Service fails to comply with any condition of Order 02 other than the payment installment obligations, the entire remaining balance of payments and the entire suspended portion of the penalty will become immediately due and payable.

DATED at Olympia, Washington, and effective December 7, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge

APPENDIX A
Docket TE-160822

Installment Payment Schedule		
Installment	Due Date	Amount
1	December 15, 2016	\$200.00
2	January 16, 2017	\$200.00
3	February 15, 2017	\$200.00
4	March 15, 2017	\$200.00
5	April 17, 2017	\$200.00
6	May 15, 2017	\$200.00
7	June 15, 2017	\$200.00
8	July 17, 2017	\$200.00
9	August 15, 2017	\$200.00
10	September 15, 2017	\$200.00
11	October 16, 2017	\$200.00
12	November 15, 2017	\$200.00
13	December 15, 2017	\$200.00
14	January 15, 2018	\$200.00
15	February 15, 2018	\$200.00
16	March 15, 2018	\$200.00
17	April 16, 2018	\$200.00
18	May 15, 2018	\$200.00
19	June 15, 2018	\$200.00
20	July 16, 2018	\$200.00
Total:		\$4,000.00