

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against LUXURY 1 LIMO, LLC, in the amount of \$1,400.	DOCKET TE-180596 ORDER 03
In the Matter of the Application of LUXURY 1 LIMO, LLC, For Charter and excursion Carrier Services Certificate.	TE-191008 ORDER 01 DISMISSING APPLICATION WITHOUT PREJUDICE AND CANCELING PAYMENT ARRANGEMENT

BACKGROUND

- 1 On July 25, 2018, the Washington Utilities and Transportation Commission (Commission) assessed a \$1,400 penalty (Penalty Assessment) against Luxury1 Limo, LLC, (Luxury1 Limo or Company) for 16 violations of Washington Administrative Code (WAC) 480-30-221 and Title 49 Code of Federal Regulations (C.F.R.).
- 2 On August 29, 2018, the Commission received the Company's response to the Penalty Assessment, admitting the violations and requesting mitigation of the penalty based on the written information provided.
- 3 On September 21, 2018, the Commission entered Order 01, which denied the Company's request for mitigation of the \$1,400 penalty. The Commission, however, exercised its discretion to suspend a \$700 portion of the penalty for a period of two years, and then waive it, subject to the following conditions:

- Luxury1 Limo must not incur any repeat violations of acute or critical regulations;
- Luxury1 Limo must pay the \$700 portion of the penalty that is not suspended or file jointly with Staff a proposed payment arrangement within 10 days of the effective date of the Order;
- Luxury1 Limo must submit a “15-day letter” to Staff within 10 days of the effective date of the Order containing its detailed plan for correcting and avoiding future violations.

- 4 On November 2, 2018, Commission staff (Staff) filed with the Commission a letter explaining that Luxury1 Limo failed to comply with the terms of Order 01 and recommending the Commission impose the suspended portion of the penalty. The Company neither made any payment toward the \$700 penalty nor submitted a 15-day letter as required.
- 5 On November 21, 2018, the Commission imposed the entire \$1,400 penalty. That same day, the Company submitted a \$700 payment to the Commission. To date, the remaining the \$700 portion of the penalty remains unpaid.
- 6 On June 27, 2019, Staff completed a follow-up safety investigation with the Company. During this investigation, Staff discovered repeat acute and critical violations. The same day, the Company submitted a voluntary cancellation of its charter and excursion carrier authority with the Commission.
- 7 On December 9, 2019, the Company filed an application for reinstatement of its charter and excursion carrier service certificate, which was assigned to Docket TE-191008.
- 8 On December 10, 2019, the Commission entered Order 02 in Docket TE-190842 classifying the Company as a charter party or excursion service carrier; ordering the Company to cease and desist such services without first obtaining a certificate from the Commission; and assessing a penalty of \$10,000, a \$9,000 portion of which was suspended for two years subject to certain conditions. The Company paid the \$1,000 unsuspended portion of the penalty in full by February 18, 2020.
- 9 On January 27, 2020, the Company filed with the Commission a request for “the dismissal of the original fine of \$700 [in Docket TE-180596] in order to complete the current permit process.”

- 10 On February 25, 2020, the Commission entered Order 02, Denying Mitigation, Ordering Payment Arrangement (Order 02) in Docket TE-180596. Order 02 required the Company to pay the remaining \$700 of the fine in four monthly installments beginning on March 26, 2020. Order 02 stated that if the Company failed to make any of the payments by the due date the entire balance would become immediately due and payable. Order 02 further stated that if the Company failed to pay the entire \$700 outstanding portion of the penalty by June 26, 2020, the final payment date, the Commission would cancel any charter or excursion carrier authority granted in Docket TE-180596.
- 11 On April 30, 2020, Staff filed a letter in Dockets TE-191008 and TE-180596 informing the Commission that the Company had failed to make any of the payments required by Order 02 and requesting that the Commission dismiss the Company's application in Docket TE-191008 and cancel the payment arrangement in Docket TE-180596.

DISCUSSION AND DECISION

- 12 Due to Luxury 1 Limo's failure to make any of the payments required by Order 02, the Commission finds good cause to cancel the payment arrangement. The entire penalty is now due and payable.
- 13 In Order 02, the Commission stated that it would cancel the Company's charter and excursion carrier certificate if the Company failed to abide by the terms of the payment arrangement. Dismissing the application filed in Docket TE-191008 has the same effect as cancelling an existing certificate. Accordingly, the Commission finds that the Company's failure to comply with Order 02 constitutes good cause to dismiss the application without prejudice, and thus grants Staff's request. Should the Company come into compliance with Order 02 by paying the \$700 penalty in full, it may file a new application with the Commission for charter and excursion carrier authority.

ORDER

THE COMMISSION ORDERS THAT:

- 14 (1) Luxury1 Limo, LLC's application for charter and excursion carrier certificate in Docket TE-191008 is **DISMISSED**, without prejudice.
- 15 (2) The \$700 remaining balance of the \$1,400 penalty is due and payable immediately.

- 16 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective June 23, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

A handwritten signature in black ink, appearing to read "Mark L. Johnson", is centered on the page. The signature is fluid and cursive.

MARK L. JOHNSON
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this Order no later than 14 days after the date the decision is posted on the Commission's website.