

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Investigation of<br><br>PUGET EXPRESS, LLC<br><br>For Compliance with WAC 480-30-221    | DOCKET TE-170951<br><i>(Consolidated)</i><br><br>ORDER 02  |
| In the Matter of the Penalty Assessment<br>Against<br><br>PUGET EXPRESS, LLC<br><br>In the amount of \$8,300 | DOCKET TE-170950<br><i>(Consolidated)</i><br><br>ORDER 02<br><br>IMPOSING SUSPENDED<br>PENALTIES |

**BACKGROUND**

- 1 On September 13, 2017, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel Certificate as a Charter and Excursion Carrier; Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements in the Matter of the Investigation of Puget Express, LLC (Puget Express or Company) For Compliance with Washington Administrative Code (WAC) 480-30-221 in Docket TE-170951. Also on September 13, 2017, the Commission assessed a penalty of \$8,200 in Docket TE-170950 against Puget Express for 83 acute and critical violations of WAC 480-30-221.
- 2 On October 18, 2017, the Commission convened a brief adjudicative proceeding to address the issues in both dockets. On October 27, 2017, the Commission entered Order 01, which cancelled Puget Express's charter party and excursion carrier certificate and imposed \$8,200 in penalties. Order 01 suspended a \$5,200 portion of the penalty subject to the following conditions: (1) Puget Express must either maintain a conditional safety rating or cease and desist all charter party and excursion operations, (2) Puget Express may not incur repeat violations of WAC 480-30-221 for a period of two years, and (3) Puget Express must pay the \$3,000 portion of the penalty that was not suspended within 10 days of the effective date of Order 01.

- 3 On February 9, 2018, Commission staff (Staff) filed with the Commission a letter alleging that Puget Express continues to advertise charter party and excursion service in violation of Order 01. Staff further alleges that Puget Express continues to offer to transport passengers in violation of Order 01. In January 2018, Staff received information that Puget Express was operating a 56 passenger bus. Staff visited Puget Express's website and found that the Company continues to advertise charter party and excursion services in violation of Order 01. Staff then posed as a consumer and requested a quote to provide transportation for an 18-person group. Puget Express responded and quoted a price of \$65 per person. Staff attached a copy of the email thread to its letter.
- 4 Staff recommends that the \$5,200 suspended penalty be imposed in full for failing to comply with all of the conditions in Order 01.
- 5 On February 9, 2018, Puget Express sent an email responding to the allegations in Staff's letter. Puget Express explained that its website was deactivated as soon as the Company was ordered by the Commission to do so. Puget Express acknowledged that "I might have quoted customers, but once they are ready to make reservations, they are referred to companies that I have known for a while such as, Beeline, Starline, Shuttle Express, etc." The Company further explained that "[a]s far as the 56 passenger goes, they are run and operated by another company as I have waved [sic] my rights to own them. However, the 56 passenger was in the shop for a few months and in January of 2018 was taken out of the shop. There's a possibility that one might have thought it was operating that day but instead it was actually taken out of the shop in which it was parked for almost 3 months." The Company attached a photo showing that its website, [www.pugetexpress.com](http://www.pugetexpress.com), was no longer active.
- 6 On February 14, 2018, the Commission issued a Notice of Opportunity to Respond and Notice of Opportunity to Request a Hearing (Notice). The Notice gave the Company until February 23, 2018, to request a hearing to contest Staff's allegations of illegal operations. The Notice further provided that if the Company submitted no additional response, the Commission would rely on Staff's letter and the Company's February 9, 2018, written response to make its decision. The Company did not file any additional response.

### **DISCUSSION AND DECISION**

- 7 We find that Puget Express violated the conditions of Order 02 and impose the \$5,200 suspended portion of the penalty. The Company violated the Commission's order to cease and desist engaging in business as a charter party and excursion carrier without first obtaining a certificate. RCW 81.70.020(1) defines "charter party carrier" as any person "engaged in the transportation over any public highways of this state of a group of

persons who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after leaving the place of origin.” Under RCW 81.70.220, a person operates as a charter party carrier by providing charter party service, or by advertising or soliciting, offering, or entering into an agreement to provide such service.

- 8 Puget Express concedes that it “might have quoted customers” charter party service, and Staff provided evidence that the Company did, in fact, engage in such conduct. Moreover, the Company’s website was active in January 2018 despite the requirement set out in Order 01, entered on October 27, 2017, that Puget Express immediately cease and desist advertising its services. Puget Express therefore operated as a charter party carrier in violation of Order 01. Because the Company has failed to fulfill the conditions under which the Commission suspended \$5,200 of the assessed penalty, that penalty amount is now due and payable.

**ORDER**

THE COMMISSION ORDERS That

- 9 (1) Puget Express, LLC has not complied with the conditions under which the Commission suspended \$5,200 of the \$8,200 penalty assessment.
- 10 (2) The full \$5,200 suspended penalty is now due and payable.

DATED at Olympia, Washington, and effective February 28, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge