



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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February 20, 2018

**NOTICE OF OPPORTUNITY TO RESPOND TO MOTION TO IMPOSE
SUSPENDED PENALTY
(By Monday, February 26, 2018)**

RE: *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against Apex Limousine, LLC*
Docket TE-161261

TO ALL PARTIES:

On August 14, 2018, 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 & Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02). Order 02 required Apex Limousine, LLC (Apex Limo or Company) to cease and desist operating as a charter party or excursion service carrier and imposed a fine of \$10,000 for two violations of RCW 81.70, all but \$3,300 of which was suspended for a period of two years conditioned on the Company: (1) permanently refraining from operating as a charter party or excursion service carrier without first obtaining a certificate from the Commission, (2) complying with all applicable statutes and Commission rules, and (3) paying the \$3,300 portion of the penalty that was not suspended or filing jointly with Commission staff (Staff) a proposed payment arrangement within 10 days of the effective date of Order 02.

On February 16, 2018, Staff filed with the Commission a Motion to Impose Suspended Penalties. In its Motion, Staff notes that the Company has neither paid the \$3,300 penalty as required nor contacted Staff to discuss payment arrangements. Staff further alleges that Apex Limo continues to operate as a charter party or excursion service carrier without the required certificate. Staff recommends the Commission impose the remaining \$6,700 suspended portion of the penalty for failing to comply with all of the conditions in Order 02.

Washington Administrative Code (WAC) 480-07-375 provides that any party that opposes a written motion may file a written response within five business days after the motion is served. Accordingly, the Company may file a written response to Staff's Motion by Monday,

February 26, 2018. Apex Limo may include with its response a request for a hearing to contest Staff's allegations, provided the Company also includes a written statement of the reasons it believes a hearing is necessary. The Commission will conduct a hearing only if the Company identifies genuine issues of material fact that need to be resolved in an evidentiary hearing. If Apex Limo fails to file a response, the Commission will rely on Staff's Motion to make its decision.

THE COMMISSION GIVES NOTICE That Apex Limousine, LLC must file any written response to Staff's Motion or request for hearing and supporting explanation by 5 p.m., Monday, February 26, 2018.

GREGORY J. KOPTA
Director, Administrative Law Division