



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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October 26, 2020

**NOTICE OF OPPORTUNITY TO RESPOND TO MOTION
TO IMPOSE SUSPENDED PENALTY
(By Friday, October 30, 2020)**

RE: *In the Matter of the Determining the Proper Carrier Classification of, and Complaint for, Penalties Against Duane Coggins, d/b/a Kokopelli's Run, Docket TE-180805*

TO ALL PARTIES:

On November 14, 2018, the Washington Utilities and Transportation Commission (Commission) entered Order 02, Stipulated Initial Order Classifying Respondent as 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 imposed a \$10,000 penalty against Duane Coggins, d/b/a Kokopelli's Run, (Kokopelli's Run or Company) for violations of RCW 81.70.260(1) for advertising and operating as a charter party or excursion service carrier without the required Commission certificate. The Commission suspended a \$7,500 portion of the penalty on the conditions that: a) Kokopelli's Run refrain from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission, and b) the Company pay the unsuspended portion of the penalty according to an agreed payment schedule.

On August 14, 2019, the Company completed payment of the unsuspended portion of the penalty.

On October 15, 2020, Commission Staff (Staff) filed with the Commission a Motion to Impose Suspended Penalty (Motion) requesting the Commission impose the \$7,500 suspended penalty. In its two-year follow-up investigation of Kokopelli's Run, Staff found evidence that the Company had continued to operate as a charter party and excursion service carrier in the state of Washington without having obtained the required certificate from the Commission.

Any party that opposes a written motion may file a written response within five business days after the motion is served.¹ This deadline expired on October 22, 2020, however the Commission finds good cause to allow the Company extra time to respond because the Commission has reason to believe that the Company, who has not had legal representation during this proceeding, may have been unaware of the deadline. Accordingly, Kokopelli's Run may file a written response to Staff's motion by Friday, October 30, 2020. The Company may include with its response a request for a hearing to contest Staff's allegations, provided it 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 Kokopelli's Run fails to file a response, the Commission will rely on Staff's motion to make its decision.

THE COMMISSION GIVES NOTICE That Duane Coggins, d/b/a Kokopelli's Run, must file any written response to Staff's motion or request for hearing and supporting explanation by 5 p.m., Friday, October 30, 2020.

/s/ Rayne Pearson
RAYNE PEARSON
Director, Administrative Law Division

¹ WAC 480-07-375(4).