

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS RULES AND REGULATIONS

PENALTY ASSESSMENT NO: TC-031704

PENALTY AMOUNT: \$ 1,800.00

AUTO TRANSPORTATION COMPANY:

Wickkiser International Companies, Inc.
1416 Whitehorn Street
Ferndale, WA 98248

The Commission believes that you have committed one or more violations of Washington Utilities and Transportation laws and rules; specifically, RCW 81.28.080, WAC 480-30-030, WAC 480-30-050, and WAC 480-30-060, which set requirements for certificates for auto transportation companies, naming rates, fares, and time and route schedules in a company's tariff. As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount of \$1,800.00. The basis for this penalty assessment is as follows:

As illustrated in Staff's investigation report (enclosed), Wickkiser International Companies, Inc. (Wickkiser) violated the provisions as set forth in RCW 81.28.080 - Published Rates to be Charged, WAC 480-30-030-Certificates, WAC 480-30-050-Tariff, Naming Rates and Fares, and WAC 480-30-060-Schedule of Time and Route.

Staff reviewed information in the Company's tariff, website, and phone reservation system to determine current rates, time and route schedules, and general operating practices. Staff found specific violations as follows:

Child Rates

Wickkiser charges a rate for children under three years of age, which is not an approved rate in the tariff.

Youth Rates

Wickkiser applies different age criteria for youth fares than are listed in the tariff, and therefore charges rates not approved in the tariff.

Unaccompanied Minor Rates

Wickkiser charges \$40-per-hour for an unaccompanied minor; a rate not approved in the Company's tariff.

Group & Frequent Traveler Rates

Wickkiser provides discounted rates to groups and frequent travelers that differ from the approved rates in the Company's tariff.

Oak Harbor, Anacortes, and Naval Air Station, Whidbey Island Routes

Wickkiser changed its route schedule prior to filing revisions to the tariff or providing proper notice to the Commission or the public.

Certificate Authority

Wickkiser advertises and sells services to Central Washington, an area not within the Company's authority to serve.

Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described did not occur, you may request a hearing to contest the occurrence of the violations. If you have an explanation as to why the violations occurred, or have other facts you believe the Commission should have considered, RCW 80.04.405 provides that you may make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, within FIFTEEN (15) days of your receipt of this penalty notice. You may, although you are not required to, present your request for mitigation at a hearing. The Commission will consider your plea and notify you of its determination.

If you would like a hearing to contest either the occurrence of the violations or the amount of the penalty, you may request one in your request for hearing or mitigation. If you request a hearing for either reason, please state why you believe a hearing is called for in your circumstances.

Failure to request a hearing to contest the occurrence of the violations or the amount of the penalty, return the mitigation plea, or pay the amount due within 15 days will cause the Commission to refer this matter to the Office of the Attorney General for collection. Suit may then be brought against you and after trial, judgment may be entered against you.

DATED at Olympia, Washington and effective this day of November 2003.

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK OSHIE, Commissioner

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

APPLICATION FOR MITIGATION OF PENALTIES

I have read and understand RCW 9.72.030, which prescribes penalties for making false affidavits (printed below), and hereby make, under oath, application for mitigation of the penalties (as described on the attached form), for the following reasons:

NOTE: This form must be completed, signed and notarized, and received by the Commission within 15 days of your receipt of this form.

I swear that the foregoing is a true and complete statement of the facts in this case.

Signature of Applicant

Sworn to and subscribed before me
this ____ day of _____,
20__

NOTARY PUBLIC in and for the
State of Washington, residing in

RCW 9.72.030:

"Perjury-Second Degree: Every person who, whether orally or in writing, and whether as a volunteer or in a proceeding or investigation authorized by law, shall knowingly swear falsely concerning any matter whatsoever shall be guilty of perjury in the second degree and shall be punished by imprisonment in the state penitentiary for not more than five years or

by imprisonment in the county jail for not more than one year."