

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

Go VIP, LLC

For a certificate to operate as a charter and  
excursion carrier

DOCKET TE-161295

NOTICE OF INTENT TO DENY  
APPLICATION FOR CERTIFICATE;

NOTICE OF OPPORTUNITY FOR  
HEARING

**INTRODUCTION**

- 1 **Nature of Proceeding.** The Washington Utilities and Transportation Commission (“Commission”) hereby provides notice of its intent to deny the application of Go VIP, LLC, (“Go VIP”) for a charter party and excursion service carrier certificate for failure to meet the application requirements set forth in chapter 81.70 RCW and chapter 480-30 WAC.
- 2 **Procedural Background.** On December 20, 2016, Steve Valentinetti, the owner and manager of Go VIP, filed with the Commission an application for a certificate authorizing Go VIP to operate as a charter party and excursion carrier in the state of Washington. Pursuant to WAC 480-30-096(2), Commission Staff (“Staff”) deferred consideration of Go VIP’s application until the company provided all the necessary information, including proof of insurance. Go VIP completed its application by submitting proof of insurance on March 21, 2017.
- 3 Staff has reviewed Go VIP’s application, as well as the operating history of two other companies owned and operated by Mr. Valentinetti. For reasons set out below, Staff recommends that the Commission deny Go VIP’s application.

**II. APPLICABLE LAW**

- 4 Pursuant to RCW 81.70.220(1), no person may engage in the business of a charter party carrier or excursion service carrier without first obtaining a certificate from the Commission authorizing that person to do so.

- 5 RCW 81.70.230(2) requires the Commission to issue a charter party or excursion carrier certificate to an applicant that establishes proof of safety fitness and insurance coverage. WAC 480-30-121, which governs the application process for a charter or excursion carrier permit, provides that an applicant “must be fit, willing, and able to provide service and to comply with state law and the safety and insurance requirements of” chapter 480-30 WAC to receive a certificate.
- 6 The safety requirements referenced in WAC 480-30-121 are set out in WAC 480-30-221. WAC 480-30-221 adopts by reference a number of the federal regulations set out in Title 49 of the Code of Federal Regulations, including all or portions of 49 C.F.R. parts 40, 379, 380, 382, 383, 385, 390, 391, 392, 393, 395, 396, and 397.
- 7 49 C.F.R. § 385.1005, which WAC 480-30-221 adopts by reference, provides that “[t]wo or more motor carriers shall not use common ownership, common management, common control, or common familial relationship to enable any or all such motor carriers to avoid compliance, or mask or otherwise conceal non-compliance, or a history of non-compliance, with statutory or regulatory requirements prescribed under 49 U.S.C. Chapter 311, subchapter III, or with an order issued under such requirements.”

### III. FACTUAL ALLEGATIONS

- 8 Staff makes the following factual allegations based on its review and investigation of the application.
- 9 Mr. Valentinetti was listed as both the owner and manager of AMI Coaches LLC (AMI). AMI registered with the Federal Motor Carrier Safety Administration (FMCSA) and provided a mailing and physical address identical the address Mr. Valentinetti provided as the mailing address of Go VIP. Mr. Valentinetti indicated on Go VIP’s application that Go VIP would engage in substantially the same business that AMI did.
- 10 FMCSA lists AMI as out of service because a safety audit produced an unsatisfactory safety rating. During the November 2013 safety audit that produced the unsatisfactory rating, FMCSA discovered that AMI (1) did not have the necessary substance and alcohol testing program; (2) knowingly allowed, required, permitted, or authorized an employee to operate a passenger carrying vehicle without the proper endorsement or intrastate restrictions during an interstate trip; (3) made a fraudulent or intentionally false entry on an annual inspection form; (4) permitted drivers to make trips before receiving negative drug testing results; (5) permitted drivers to make trips without a valid medical certificate; (6) failed to inquire about the driving records of drivers; (7) failed to make

records of duty status; and (8) operated motor vehicles which were not periodically inspected as required.

- 11 Mr. Valentinetti was listed as both the owner and manager of Airline Shuttle Inc. (Airline Shuttle). Airline Shuttle registered with FMCSA and provided a mailing and physical address identical to the address Mr. Valentinetti provided as the mailing address for Go VIP. Mr. Valentinetti indicated on Go VIP's application that Go VIP would engage in substantially the same business that Airline Shuttle did.
- 12 FMCSA lists Airline Shuttle as out of service because a safety audit produced an unsatisfactory safety rating. During the March 2014 audit that produced the unsatisfactory safety rating, FMCSA discovered that Airline Shuttle (1) did not have the necessary substance and alcohol testing program, (2) failed to maintain proof of insurance at its principle place of business, (3) operated a passenger carrier vehicle without the necessary levels of insurance, (4) failed to make records of duty status, (5) failed to maintain driver qualification files, (6) failed to keep inspection and vehicle maintenance records, (7) failed to require drivers to prepare driver vehicle inspection reports, (8) operated motor vehicles which were not periodically inspected, (9) failed to update its MCS-150 form, and (10) operated motor vehicles without the required marking.
- 13 These allegations, if not satisfactorily rebutted, support findings that Go VIP LLC is not fit to operate as a charter or excursion carrier, for two reasons.
- 14 First, companies owned and operated by Mr. Valentinetti have a history of violating federal regulations governing both the safe operation of passenger carrying vehicles and also the insurance coverage that passenger carriers must maintain. State law incorporates those federal regulations into state law, meaning that companies owned and operated have a history of violating state safety and insurance rules.
- 15 Second, AMI, Airline Shuttle, and Go VIP share common ownership, common managers, and engage in substantially the same business. This commonality of ownership, management, and purpose raise the inference that Mr. Valentinetti incorporated Go VIP and applied for a permit to evade the orders forbidding AMI and Airline Shuttle from operating and to mask or conceal the history of non-compliance by companies Mr. Valentinetti has owned and operated.
- 16 **NOTICE OF OPPORTUNITY FOR HEARING.** Go VIP, may request a hearing to contest the factual allegations set out in this notice. Go VIP may request such a hearing by filing a written request for a hearing with the Commission by **April 18, 2017**. An original and five (5) paper copies of the request must be directed to the attention of

Steven V. King, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TE-161295.

- 17 If Go VIP requests a hearing by April 18, 2017, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Go VIP does not request a hearing by that date, the Commission will enter an order denying the application for a certificate.

DATED at Olympia, Washington, and effective April 4, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary