

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Cancellation of the
Charter and Excursion Carrier
Certificates Held by

SCENIC BOUND TOURS CO.,

for Failure to File an Annual Report and
pay Regulatory Fees

DOCKET TE-220873

ORDER 01

CANCELLING CERTIFICATES

BACKGROUND

- 1 Charter and excursion carriers regulated by the Washington Utilities and Transportation Commission (Commission) must file annual reports and pay regulatory fees annually pursuant to Revised Code of Washington (RCW) 81.04.080, RCW 81.70.350, Washington Administrative Code (WAC) 480-30-071(2), and WAC 480-30-076(2). Under the authority of RCW 81.04.080, RCW 81.70.250, and WAC 480-30-171(2), the Commission may cancel a charter or excursion carrier's certificate for failure to file an annual report or pay a regulatory fee.
- 2 On December 8, 2022, the Commission served Scenic Bound Tours Co. (Company) with a Notice of Intent to Cancel Certification as a Charter and Excursion Carrier and Opportunity to Request a Hearing (Notice) for failure to file 2021 annual reports and/or pay 2022 regulatory fees.¹ The Notice informed the Company that the Commission would cancel the Company's certificates without further notice unless the Company filed its delinquent annual reports and paid its delinquent regulatory fees, or requested a hearing to demonstrate why its certificates should not be cancelled, within 30 days of the date the Notice was served.²
- 3 The Company failed to submit a 2021 annual report or 2022 regulatory fee to the Commission, and the Commission did not receive a request for hearing from the Company.

¹ Scenic Bound Tours Co. holds authority to operate as a charter and excursion carrier under certificates CH000389 and ES00062.

² Under WAC 480-07-150(4), the Commission may serve documents electronically except where proof of service is required by law. The Commission's Final Order adopting changes to WAC 480-07 accepted Staff's position that electronic service is acceptable for commencing adjudicative proceedings against regulated companies. *See* General Order 588 – Final Adoption Order – WSR 17-06-051, Docket A-130355 ¶16 and Appendix A (March 2, 2017).

DISCUSSION AND DECISION

- 4 The Commission exercises its discretion to cancel the Company's charter and excursion carrier certificates. The Commission's ultimate goal in any enforcement action is to ensure compliance with the statutes and rules that the Commission administers. Pursuant to RCW 81.04.080, RCW 81.70.350, WAC 480-30-071(2), and WAC 480-30-076(2), charter and excursion carriers must submit annual reports and regulatory fees to the Commission by May 1 of each year. The Company did not make the requisite submissions. Accordingly, the Commission notified the Company that its certificates would be cancelled unless the Company attained compliance or requested a hearing within 30 days. The Companies did not come into compliance or otherwise respond.
- 5 We find that the Company's failure to file its annual reports and pay its regulatory fees is a willful violation of the laws and rules the Commission is charged with enforcing. WAC 480-30-171 provides that the Commission may cancel a certificate for cause, which includes failure to file an annual report or pay required regulatory fees. The failure of the Company to file annual reports and pay regulatory fees is cause to cancel the Company's certificates.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the State of Washington with the authority to regulate charter and excursion carriers as defined in RCW 81.70.
- 7 (2) The Company is a public service company as defined in RCW 81.04.010 and holds authority from the Commission to operate as a charter and excursion carrier.
- 8 (3) On December 8, 2022, the Commission notified the Company that its certificates to operate as a charter and excursion carrier would be cancelled if the Company failed to file its annual report and pay regulatory fees within 30 days. The Commission also notified the Company that it could request a hearing to contest cancellation of their certificates.
- 9 (4) The Company has not filed its annual reports or paid regulatory fees, which were due May 1, 2022.
- 10 (5) The Commission provided notice of its intent to cancel the Company's certificates and notice of the opportunity for a hearing, but the Company did not request a hearing.
- 11 (6) Under WAC 480-30-171(2), the Commission may cancel a charter and excursion carrier's certificate for cause, including failure to file an annual report or pay required regulatory fees.

- 12 (7) The failure of the Company to file the annual reports and pay the regulatory fees due May 1, 2022, constitutes cause to cancel its charter and excursion carrier certificates.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The charter and excursion carrier certificates held by Scenic Bound Tours Co. are cancelled effective on the date this Order is served.
- 14 (2) Scenic Bound Tours Co. is directed to **cease** all operations associated with its charter and excursion carrier certificates.
- 16 The Commission has delegated authority to the Administrative Law Director, or an administrative law judge the Administrative Law Director delegates, to enter this Order WAC 480-07-917(5).

DATED at Olympia, Washington, and effective February 7, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Director

NOTICE TO PARTIES: This is an order delegated to the Administrative Law Director for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.