

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Cancellation of the  
Auto Transportation Certificate Held by

HOWLING MOON SHUTTLE, LLC,

for Failure to File an Annual Report and  
pay Regulatory Fee

DOCKET TC-230832

ORDER 01

CANCELLING CERTIFICATE

**BACKGROUND**

- 1 Auto transportation companies 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 an auto transportation company’s certificate for failure to file an annual report or pay a regulatory fee.
- 2 On November 30, 2023, the Commission served Howling Moon Shuttle, LLC (Company) with a Notice of Intent to Cancel Certification as Auto Transportation Company and Opportunity to Request a Hearing (Notice) for failure to file a 2022 annual report and pay the 2023 regulatory fee.<sup>1</sup> The Notice informed the Company that the Commission would cancel the Company’s certificate without further notice unless the Company filed its delinquent annual report and paid its delinquent regulatory fee, or requested a hearing to demonstrate why its certificate should not be cancelled within 30 days of the date the Notice was served.<sup>2</sup>
- 3 The Company failed to submit a 2022 annual report and pay its 2023 regulatory fee to the Commission, and the Commission did not receive a request for hearing from the Company.

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<sup>1</sup> Howling Moon Shuttle, LLC Inc. holds authority to operate as an auto transportation company under certificate C069777.

<sup>2</sup> 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 auto transportation company certificate. 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), auto transportation companies 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 certificate would be cancelled unless the Company attained compliance or requested a hearing within 30 days. The Company did not come into compliance or otherwise respond.
- 5 We find that the Company's failure to file its annual report and pay its regulatory fee 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 the required regulatory fee. The failure of the Company to file an annual report and pay the regulatory fee is cause to cancel the Company's certificate.

## FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the state of Washington with the authority to regulate auto transportation companies as defined in RCW 81.68.
- 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 an auto transportation company.
- 8 (3) On November 30, 2023, the Commission notified the Company that its certificate to operate as a charter and excursion carrier would be cancelled if the Company failed to file its annual report and pay the regulatory fee within 30 days. The Commission also notified the Company that it could request a hearing to contest cancellation of their certificate.
- 9 (4) The Company has not filed an annual report or paid the regulatory fee, which were due May 1, 2023.
- 10 (5) The Commission provided notice of its intent to cancel the Company's certificate 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 an auto transportation company's certificate for cause, including failure to file an annual report or pay the required regulatory fee.

- 12 (7) The failure of the Company to file its annual report and pay its regulatory fee due May 1, 2023, constitutes cause to cancel its charter and excursion carrier certificate.

**ORDER**

**THE COMMISSION ORDERS:**

- 13 (1) The auto transportation company certificate held by Howling Moon Shuttle, LLC is cancelled effective on the date this Order is served.
- 14 (2) Howling Moon Shuttle, LLC is directed to **cease** all operations associated with its auto transportation certificate.
- 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 *under* WAC 480-07-917(5).

DATED at Lacey, Washington, and effective February 09, 2024.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

*/s/ Michael Howard*

MICHAEL HOWARD

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.**