

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of  PUGET EXPRESS, LLC  For Compliance with WAC 480-30-221	DOCKET TE-170951 <i>(Consolidated)</i>  ORDER 03
In the Matter of the Penalty Assessment Against  PUGET EXPRESS, LLC  In the amount of \$8,300	DOCKET TE-170950 <i>(Consolidated)</i>  ORDER 03  GRANTING PAYMENT ARRANGEMENT

**BACKGROUND**

- 1 On September 13, 2017, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel Certificate as a Charter and Excursion Carrier; Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements In the Matter of the Investigation of Puget Express, LLC (Puget Express or Company) For Compliance with Washington Administrative Code (WAC) 480-30-221 in Docket TE-170951. Also on September 13, 2017, the Commission assessed a penalty of \$8,200 in Docket TE-170950 against Puget Express for 83 acute and critical violations of WAC 480-30-221.
- 2 Following a brief adjudicative proceeding, the Commission entered Order 01 on October 27, 2017, which cancelled Puget Express's charter party and excursion carrier certificate and imposed \$8,200 in penalties. Order 01 suspended a \$5,200 portion of the penalty subject to several conditions, including a requirement that Puget Express cease and desist all charter party and excursion operations without first obtaining a certificate from the Commission.
- 3 On February 9, 2018, Commission staff (Staff) filed with the Commission a letter alleging that Puget Express continued to advertise and offer charter party and excursion

service in violation of Order 01. On February 28, 2018, the Commission entered Order 02 imposing the suspended penalty.

4 On March 20, 2018, Puget Express contacted the Commission and proposed a payment plan of \$50 per month. The Company explained, "... I need payment plan as I already have another payment and this is making it difficult ..."<sup>1</sup>

5 On March 28, 2018, Staff filed a response to Puget Express's request for a payment plan. In its response, Staff opposes the Company's proposal and instead recommends the Commission allow the Company to make 26 monthly payments of \$200 each according to the following schedule:

<b>Date</b>	<b>Payment</b>	<b>Date</b>	<b>Payment</b>
May 21, 2018	\$200	June 17, 2019	\$200
June 18, 2018	\$200	July 15, 2019	\$200
July 16, 2018	\$200	Aug. 19, 2019	\$200
Aug. 20, 2018	\$200	Sep. 16, 2019	\$200
Sep. 17, 2018	\$200	Oct. 21, 2019	\$200
Oct. 15, 2018	\$200	Nov. 18, 2019	\$200
Nov. 19, 2018	\$200	Dec. 16, 2019	\$200
Dec. 17, 2018	\$200	Jan. 21, 2020	\$200
Jan. 22, 2019	\$200	Feb. 18, 2020	\$200
Feb. 19, 2019	\$200	Mar. 16, 2020	\$200
Mar. 18, 2019	\$200	Apr. 20, 2020	\$200
Apr. 15, 2019	\$200	May 18, 2020	\$200
May 20, 2019	\$200	June 15, 2020	\$200

Staff further proposes that if Puget Express misses one payment, the entire penalty will become immediately due and payable without further Commission order.

### **DISCUSSION AND DECISION**

6 The Commission denies the Company's request to make payments of \$50 per month, but finds that the installment schedule Staff proposes is reasonable. The Commission originally suspended a \$5,200 portion of the \$8,200 penalty assessed in this Docket with the goal of decreasing the financial burden to Puget Express while providing an incentive

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<sup>1</sup> On November 28, 2017, the Commission entered Order 01 in Docket TC-170824, which assessed a \$3,000 penalty against Puget Express for violations of RCW 81.68. On December 18, 2017, the Commission granted the Company's and Staff's joint request for a payment arrangement, which permits Puget Express to make 15 monthly payments of \$200 until the penalty is paid in full.

for the Company to comply with Commission rules going forward. Despite the Commission's clear directive that Puget Express must cease and desist operating as a charter party or excursion service carrier without first obtaining the required certificate, the Company chose to continue its unpermitted activities.

7 Puget Express's history of noncompliance mitigates against giving the Company much leeway. That said, the Commission's ultimate goal in any enforcement action is compliance. We are mindful of the fact that denying Puget Express's request for a payment plan outright could create a financial burden that would preclude the Company from applying to reinstate its previously cancelled certificate. Considering these factors, we find that allowing the Company to make payments of \$200 per month should serve to deter future violations without being unduly burdensome. So long as Puget Express stays current on both of its payment plans, the Company may apply for reinstatement of its certificate at any time.<sup>2</sup>

8 Accordingly, the Commission approves Staff's proposal with the modification that Puget Express may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make timely monthly installments until the full amount is satisfied.

### **ORDER**

#### **THE COMMISSION ORDERS THAT:**

- 9 (1) The \$5,200 penalty is due and payable to the Commission in installments according to the schedule set out in paragraph 5, above.
- 10 (2) If Puget Express, LLC misses one payment, the entire balance will become due and payable immediately.
- 11 (3) Puget Express, LLC may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment

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<sup>2</sup> We note that the 30-day period during which Puget Express was permitted to request an upgraded safety rating and reinstatement of its certificate without an application fee expired on November 27, 2017. As such, Puget Express will be required to file a new application, pay an application fee, and, among other requirements, adequately demonstrate that it has corrected the deficiencies that led to its unsatisfactory safety rating before the Commission will consider reinstating its certificate.

or increased amount will relieve the Company of its obligation to make timely monthly installments until the full amount is satisfied.

DATED at Olympia, Washington, and effective April 20, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge