

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties against:

JEET SIDHU a/k/a GEETAR SIDHU d/b/a
JJ LIMOUSINE, JJ LIMOUSINE
SERVICES, JJ'S BEST LIMOUSINE
SERVICE, and JJ LIMOUSINE
SERVICES, INC.

DOCKET TE-151982

COMMISSION STAFF'S MOTION
TO IMPOSE SUSPENDED
PENALTIES

I. RELIEF REQUESTED

1 In its order entered July 11, 2016, in this docket, the Washington Utilities and
Transportation Commission (Commission) suspended \$10,000 of a \$15,000 penalty assessed
against JJ's Best Limousine Service (JJ Limousine) subject to compliance with four
conditions. Commission Staff (Staff) believes that JJ Limousine has failed to comply with at
least two of the conditions by advertising and entering into an agreement to provide party
bus transportation. Accordingly, Staff requests that the Commission impose the suspended
portion of the penalty on JJ Limousine.

II. STATEMENT OF FACTS

2 On June 7, 2016, the Commission instituted a classification proceeding against JJ
Limousine and served a complaint and notice of hearing. In the complaint, the Commission
alleged that JJ Limousine violated chapter 81.70 RCW by advertising and offering charter
party carrier or excursion carrier transportation without possessing the necessary charter
party or excursion carrier authority from the Commission.

3 Following a hearing on July 5, 2016, the Commission entered Order 02 on July 11,
2016. In Order 02, the Commission classified JJ Limousine as a charter party or excursion

service carrier, ordered JJ Limousine to cease and desist operations as a charter party and excursion service carrier without first obtaining a permit from the Commission, and imposed suspended penalties on condition of future compliance. The Commission set the suspension for a period of two years, after which the suspended penalty would be waived, if JJ Limousine complied with the following four conditions:

- 1) the Company must submit a complete application for a certificate to operate as a charter party or excursion carrier no later than July 26, 2016;
- 2) the Company must refrain from operating as a charter party or excursion carrier without first obtaining the required permit from the Commission;
- 3) the Company must issue a refund of \$318 to Michael Hornsby no later than July 26, 2016, and
- 4) the Company must comply with applicable statutes and Commission rules.

4 JJ Limousine fulfilled the third condition, the refund condition. On July 10, 2016, the company refunded \$318 to Mr. Hornsby.

5 JJ Limousine partially fulfilled the first condition, which required the company to submit an application for a certificate. Prior to the hearing, the company had submitted a charter application. The application, however, was not complete.¹ JJ Limousine finally submitted a complete application on October 25, 2016. The company received a charter certificate the following day.² The Commission canceled the certificate, however, on February 14, 2017, due to lack of insurance.³

¹ Declaration of Michael Turcott, ¶ 7.

² Declaration of Michael Turcott, ¶ 8.

³ Declaration of Michael Turcott, ¶ 9.

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JJ Limousine did not fulfill the second condition, the cease and desist condition. Subsequent to cancellation of its certificate in February of 2017, the company has continued to engage in the business of a charter party carrier or excursion service carrier. JJ Limousine maintains a website, www.jjlimo.com, on which it advertises charter party or excursion service. For example, the website advertises party bus rentals and, specifically, transportation in a 40-passenger party bus.⁴ Further, JJ Limousine entered into an agreement with a consumer for party bus transportation in the Mukilteo, Washington, area. The consumer booked JJ Limousine's 40-passenger party bus for \$1,900 to transport 33 passengers in conjunction with her daughter's high school prom on May 19, 2018.⁵

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JJ Limousine, in failing to comply with the second condition, has also failed to comply with the fourth condition, compliance with applicable statutes and Commission rules. In addition, JJ Limousine never paid the \$5,000 portion of the penalty that was not suspended.⁶

III. EVIDENCE RELIED UPON

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This motion relies on the Declaration of Michael Turcott, dated May 16, 2018, and its attachments. In addition, the motion relies on the documents on file in this docket.

IV. DISCUSSION

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JJ Limousine has complied fully with only one of the four conditions in Order 02. Specifically, JJ Limousine complied with the refund condition, which was the third condition.

⁴ Declaration of Michael Turcott, ¶ 15.

⁵ Declaration of Michael Turcott, ¶ 14.

⁶ Declaration of Michael Turcott, ¶ 11.

A. The First Condition—Application for a Certificate

10 JJ Limousine did ultimately submit a complete application for a charter or excursion certificate but not until October 25, 2016, nearly three months past the deadline. Because JJ’s complete application was late, JJ Limousine complied only partially with the first condition, which required JJ Limousine to submit a complete application for a certificate by July 26, 2016.

B. The Second Condition—Cease and Desist From Operating Without a Permit

11 JJ Limousine held a certificate for less than four months. When the company failed to maintain insurance, which is required by law under RCW 81.70.280 and by Commission rule under WAC 480-30-191, the Commission canceled the certificate. Following cancellation of its certificate in February of 2017, JJ Limousine continued to display advertising for charter party or excursion carrier service, including party bus transportation, on its website.

12 Under state law, it is illegal for any person to engage in the business of a charter party carrier or excursion service carrier of passengers over any public highway within the state of Washington without first having obtained a certificate from the Commission to do so or having registered as an interstate carrier.⁷ A person engaged in the transportation of persons by “party bus” over any public highway in this state is considered to be engaging in the business of a charter party carrier or excursion service carrier.⁸ Engaging in the business of a charter party carrier or excursion service carrier includes advertising or soliciting, offering, or entering into an agreement to provide charter party or excursion service.⁹

⁷ RCW 81.70.220(1).

⁸ RCW 81.70.020(7).

⁹ RCW 81.70.220(1).

13 By advertising party bus transportation on its website, JJ Limousine is engaging in the business of a charter party carrier. In addition, by entering into an agreement to transport a high school prom group from Mukilteo in a 40-passenger party bus, JJ Limousine is engaging in the business of a charter party carrier. Because JJ Limousine does not have charter or excursion carrier authority from the Commission, JJ Limousine has failed to comply with the second condition of Order 02.

C. The Fourth Condition—Compliance With Applicable Statutes and Commission Rules

14 By advertising party bus transportation on its website without obtaining the necessary authority from the Commission, JJ Limousine continues to violate RCW 81.70.220. JJ Limousine has also violated RCW 81.70.220 by entering into an agreement to transport passengers in a party bus. In addition, by continuing to operate after its certificate was canceled, JJ Limousine has violated RCW 81.70.260, which provides that “it is unlawful for a charter party carrier or excursion service carrier of passengers to conduct any operations as such a carrier . . . [a]fter the cancellation or revocation of a certificate.” RCW 81.70.220 and RCW 81.70.260 are “applicable statutes” under the fourth condition in Order 02. Because JJ Limousine has violated these statutes, JJ Limousine has failed to comply with the fourth condition.

V. CONCLUSION

15 In conclusion, JJ Limousine has failed to fully comply with three of the four conditions underlying the suspension of the penalty. The Commission should impose the suspended penalty amount of \$10,000 and order JJ Limousine to pay the penalty immediately. Further, the Commission should order JJ Limousine to immediately cease and

desist operations as a charter party and excursion service carrier within the state of Washington without first obtaining a permit from the Commission.

DATED May 18, 2018.

ROBERT W. FERGUSON
Attorney General

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