

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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| In re Application of | DOCKET TE-161295 |
| GO VIP LLC d/b/a GO VIP SEATTLE | ORDER 03 |
| For a Certificate to Operate as a Charter Party and Excursion Service Carrier | ORDER DENYING MOTION TO REOPEN RECORD; DENYING RECONSIDERATION OF FINAL ORDER |

BACKGROUND

- 1 On December 20, 2016, Go VIP LLC d/b/a Go VIP Seattle (Go VIP or Company) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as a charter party and excursion service carrier in Washington under Revised Code of Washington (RCW) 81.70 and Washington Administrative Code (WAC) 480-30.
- 2 The Commission entered Order 01, its initial order, on May 5, 2017. Order 01 found that Go VIP failed to demonstrate its fitness to operate as a charter party and excursion service carrier and concluded that granting Go VIP a certificate to operate as a charter or excursion carrier would not be in the public interest. The initial order denied Go VIP’s application for a certificate to operate as a charter party and excursion service carrier in the state of Washington, subject to administrative review by the Commission.
- 3 On May 24, 2017, Go VIP filed six documents that the Commission considered collectively and construed liberally to constitute the Company’s “motion to reopen the record prior to entry of a final order” under WAC 480-07-830 and petition for administrative review of an initial order under RCW 34.05.488 and WAC 480-07-610. The Commission denied both the motion and the petition in Order 02, for the reasons stated therein.

4 On June 13, 2017, Go VIP filed a document styled “Motion to Reopen the Hearing Reconsideration of a final order,” citing in its caption WAC 480-07-830 and WAC 480-07-850.

5 WAC 480-07-830 is the Commission’s rule governing a “Motion to reopen the record prior to entry of a final order.” The instant motion, coming as it does after the Commission’s entry of a final order in this docket, is untimely. Even were it not untimely, it also fails to demonstrate any basis for reopening the record under WAC 480-07-830, as did Go VIP’s earlier motion. The Commission elected to liberally construe the earlier motion, ignored its many deficiencies, and ruled on the merits denying the motion in Order 02, as related above. We see no need to revisit the matter and determine for both procedural and substantive reasons that we should reject Go VIP’s motion to reopen the record.

6 WAC 480-07-850 is the Commission’s rule governing “Reconsideration of a final order by petition.” Other than in its caption, Go VIP’s filing makes no further reference to this rule. Nor does Go VIP’s filing meet WAC 480-07-850(2)’s requirement that a petition for reconsideration must:

[C]learly identify each portion of the challenged order that it contends is erroneous or incomplete, must cite those portions of the record and each law or commission rule that the petitioner relies on to support its petition, and must present brief argument in support of its petition.

Substantively, Go VIP’s filing does no more than reiterate evidence and argument the Commission has thoroughly considered and rejected in Order 01 and in Order 02. Go VIP’s filing fails to demonstrate any basis for reconsideration of Order 02, the Commission’s final order in this docket. We determine for these reasons that the Commission should deny reconsideration of its final order, Order 02.

ORDER

THE COMMISSION ORDERS THAT:

7 Go VIP LLC’s motion to reopen the record is DENIED.

8 Go VIP LLC's petition for reconsideration is DENIED.

DATED at Olympia, Washington, and effective June 30, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner

NOTICE TO PARTIES: This is a Commission Order on reconsideration of a final order under WAC 480-07-850. No further petition for reconsideration is allowed, as provided by WAC 480-07-850(6). Judicial review of the Commission's final order may be available, as provided by RCW 34.05.510, *et seq.*