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JUN 27 2018

WASH. UT. & TP. COMM

Big Sky Bus Lines, Inc  
PO Box 472  
Black Eagle, MT 59414

June 23, 2016

Washington Utilities and Transportation Commission  
Licensing Services  
PO Box 47250  
Olympia, WA 98504-7250

Penalty Assessment: TE-160687  
Penalty Amount: \$1000

Dear Sir or Madam,

Please find enclosed our application for mitigation of the penalty noted above.

In 2015, we were sub contracted by a Maryland Tour Company to assist with a major golf tournament in the State of Washington. The event was beyond the abilities of the motorcoach operators in the area of the event and we assisted by providing motor coaches and drivers to help the event take place.

As you likely know, this became quite confusing for out of state operators as the company that hired us did not make us aware that we were not operating under their authority and we had to apply to the commission for authority.

We did that, received a license, did the event and paid our fees to the State of Washington. Once the event was over we returned to Montana leaving no vehicles, employees or terminals in the State of Washington. It is not our intention to ever originate passengers in Washington for destinations in Washington.

This is a single event for us.

STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION  
COMMISSION

2016 JUN 27 PM 2:22

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STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION  
COMMISSION

We were not aware this license was ongoing. We were under the impression it was for this event and when we filed our return with you, we were done with the event.

As you know, we were assessed a penalty for not filing by May 2, 2016. We understand this was our obligation to have done so. After speaking to one of your agents, we discovered that we should have sent in a release of authority for cancellation, which we did send in to you via email on June 22, 2016.

We would like to ask to forgive the fine as it was not overlooked intentionally. We did not understand the authority was ongoing. It was not our intention to deceive the commission or fail to file an annual report.

We would promptly follow any orders from you to clear this matter up and resolve the issue. We again ask for your understanding.

We will await your decision and instructions.

Our apologies to the commission for our error and we thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Barbara J. Stucker". The signature is written in a cursive style with a long horizontal flourish at the end.

Barbara Stucker,  
General Manager  
Big Sky Bus Lines, Inc.

BS:mh  
enclosures

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-160687

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

[ ] 1. Payment of penalty. I admit that the violations occurred. I have:

[ ] Enclosed \$ \_\_\_\_\_ in payment of the penalty

[ ] Submitted my payment of \$ \_\_\_\_\_ online at www.utc.wa.gov. My confirmation number is \_\_\_\_\_.

[ ] 2. Request for a hearing. I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

[X] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

[ ] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR

[X] b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: 6/23/2016 [month/day/year], at Black Eagle, MT [city, state]

Barbara Stucker, Big Sky Bus Lines, Inc. Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

## NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: TE-160687  
PENALTY AMOUNT: \$1000

Big Sky Bus Lines, Inc.  
PO Box 472  
Black Eagle, MT 59414

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-30-071 and 480-30-076, which requires charter & excursion carriers companies to file their annual report and pay regulatory fees each year by May 1. May 1 was a Sunday, therefore you were required to file your annual report or pay regulatory fees by May 2, 2016. You did not file an annual report by May 2, 2016.

Revised Code of Washington (RCW) 81.04.405 authorizes the Commission to assess a penalty of \$100 for each violation of a Commission rule. In the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-30-071 and 480-30-076 beyond May 2 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report or pay its regulatory fees after that date.

As a result, the Commission has assessed penalties against you in the amount of \$1000 on the following basis:

On February 29, 2016, the Commission mailed the 2015 annual report forms and the 2016 regulatory fee packets to all charter & excursion carriers companies registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports and pay regulatory fees by May 2, 2016. The instructions page also stated that failure to file the annual report by May 2 would result in penalties. The deadline for requesting an extension to file your annual report was April 15. You did not request an extension.

As of May 16, 2016, Big Sky Bus Lines, Inc. had not filed its 2015 annual report or paid its 2016 regulatory fee. May 16 is 10 business days from May 2, resulting in a total penalty of \$1,000. The Commission has yet to receive a complete and accurate annual report and additional penalties may accrue until you submit one.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. The Commission will grant that request only if material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the

reasons supporting that request. Failure to provide such a statement will result in denial of the request.

If there is a reason for the violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection, which may file suit in state court to collect the penalty. The Commission may also initiate proceedings under WAC 480-30-171 to revoke your authority to provide charter & excursion services in Washington.

DATED at Olympia, Washington, and effective June 20, 2016.

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GREGORY J. KOPTA  
Administrative Law Judge

**RELEASE OF AUTHORITY FOR CANCELLATION**

TO: Washington Utilities and Transportation Commission  
Licensing Services  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1222 or fax @ (360) 586-1181

The undersigned holder of  
permit/certificate number(s):

G \_\_\_\_\_ C \_\_\_\_\_ CH/ES 603517423  
CC \_\_\_\_\_ HG \_\_\_\_\_ TCC \_\_\_\_\_  
OTHER \_\_\_\_\_

Does hereby declare that the authority is no longer being used and is hereby  
surrendered to the Commission for cancellation. (Attach original permit or  
certificate, if available)

*James J. St*

SIGNATURE OF CARRIER

6/22/16

DATE

Big Sky Bus Lines

NAME OF CARRIER (Please print)

2920 15<sup>th</sup> St. NE, P.O. Box 472

ADDRESS

Black Eagle, MT 59414

CITY-STATE-ZIP

406-761-0967

(AREA CODE) - PHONE NUMBER



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

July 14, 2015

Big Sky Bus Lines, Inc.  
PO Box 472  
Black Eagle, MT 59414

### Washington State Charter/Excursion Carrier Services

Your company had recently applied for and received a Charter/Excursion carrier services authority for operating within the state of Washington. Specifically for the US Open Golf Tournament at Chambers Bay.

At the time of issuing your authority, you were required to submit insurance. The insurance we received for your company was a Certificate of Liability which is only good for 60 days or until we receive the Form E insurance filing. State law requires you to file and maintain proof of public liability and property damage insurance to keep your authority active with the Washington Utilities and Transportation Commission.

If you plan on keeping your Washington State Charter/Excursion authority, your insurance company will have to submit a Form E insurance filing to our office before 8/11/2015 to keep your authority active.

If you do not plan on using this authority, I'm including a blank Voluntary Cancellation form for you to complete and return to our office so we can promptly cancel your authority. You can fax the completed form to 360-586-1181 or email it directly to me.

If you have any questions or concerns regarding your authority or insurance filing, you can reach me at 360-664-1170 or email at [tleipski@utc.wa.gov](mailto:tleipski@utc.wa.gov).

Sincerely,

Tina Leipski  
Transportation Specialist 3  
Licensing Services

**WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION**

**1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250**

**OLYMPIA, WA 98504-7250**

**(360) 664-1222**

**This certificate authorizes the following operations under the provisions of RCW Title 81:**

**Big Sky Bus Lines, Inc.  
PO Box 472  
Black Eagle, MT 59414**

**Cert No.  
CH-65934**

**Charter and Excursion Carrier Services in the state of Washington.**

**TE-151232**

**06-12-15**

**WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**



By \_\_\_\_\_

*[Handwritten signature]*