



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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January 20, 2021

Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Chris Robert Miller, d/b/a Silver Limousine and Silver Transportation*
Commission Staff's Response to Request for Reconsideration
Docket TE-180455

Dear Mr. Johnson:

On April 24, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 02, which assessed a \$10,000 penalty against Chris Robert Miller, d/b/a Silver Limousine and Silver Transportation, (Silver Limousine or Company) for violations of RCW 81.70.220(1).

On May 29, 2020, Commission staff (Staff) and Silver Limousine came to a mutual agreement on a proposed payment plan. The joint payment plan proposed that: (1) the Company pay the penalty in 40 monthly installments of \$250, (2) the first installment be delayed nearly six months, and (3) if Silver Limousine is unable to pay the first installment due to the economic uncertainties surrounding the COVID-19 pandemic, the Company must file an extension request prior to the due date.

On June 9, 2020, the Commission entered Order 03, which granted a payment arrangement for the \$10,000 penalty. Order 03 delayed the initial payment to November 18, 2020, extended a payment schedule consisting of 40 installments of \$250, allowed the Company to file an extension request prior to the payment date, and ordered that if Silver Limousine "fails to pay any installment by 5 p.m. on the date it is due without having filed an extension request, the entire unpaid balance will immediately become due and payable without further order by the Commission."¹ The Company was electronically served a copy of Order 03 on June 9, 2020.

¹ Docket TE-180455, Order 03, ¶ 9.

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On December 16, 2020, Staff informed the Company that its first installment was past due and the second installment was approaching its due date. Staff warned that failure to comply with the terms of Order 03 may result in the cancellation of the payment arrangement and the entire unpaid balance becoming due and payable.

On December 21, 2020, Staff contacted Silver Limousine by telephone to discuss the two overdue payments. The Company stated the COVID-19 restrictions placed on passenger transportation companies created a financial hardship that prohibits Silver Limousine from being able to make the payments. The Company communicated that it would file an extension request for the payment arrangement with the Commission. After the phone conversation, Staff sent a confirmation email to Silver Limousine with a copy of Order 03 as a courtesy to highlight the approved payment schedule and the Commission's language pertaining to an extension request and requested that the Company contact Staff if it had any questions.

On January 5, 2021, Staff filed its recommendation to cancel the payment arrangement, citing the Company's failure to make the first two payments or file an extension request prior to the due dates.

On January 8, 2021, Silver Limousine contacted Staff and explained that it would be filing a request for an extension since the Company does not have the finances to make a payment. In response, Staff guided Silver Limousine step by step through the Commission's electronic filing system and instructed the Company to draft a letter to Mark L. Johnson, Executive Director and Secretary of the Commission, explaining that the Company is requesting an extension on the payment arrangement and to provide supporting reasons why the Commission should grant the Company's request. Staff also provided the contact phone number and email address for the Commission's Records Center should Silver Limousine experience any issues with the electronic filing system.

On January 11, 2021, the Commission issued a letter canceling the payment arrangement due to Silver Limousine's failure to comply with the terms of Order 03.

On January 14, 2021, Silver Limousine filed a request for reconsideration, in which the Company refers to miscommunication with Staff and technological issues as the reasons for failing to comply with the terms of Order 03.

Staff disputes Silver Limousine's characterization that miscommunication had any role in the Company's failure to submit timely payments or request an extension prior to the first installment date of November 18, 2020. Although Silver Limousine's request for reconsideration lacks any culpability for the Company's inaction, it does illustrate the economic hardships companies are facing as a result of the COVID-19 pandemic. For this reason, Staff believes reinstating a payment arrangement would be both beneficial for the Commission and Silver Limousine.

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Staff recommends the Commission reinstate the payment schedule from Order 03 with a couple slight modifications: (1) the first installment becomes due July 19, 2021,² and (2) the previous first eight installments be moved to the backend of the payment arrangement.

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Motor Carrier Safety, at (360) 867-8305, or by email at jason.hoxit@utc.wa.gov.

Sincerely,



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Jason (UTC)
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Jason Sharp

Motor Carrier Safety Supervisor, Transportation Safety

² Previously the ninth installment in Order 03.