



To: The Washington Utilities and Transportation Commission (UTC)  
From: Robert A. Birman, Executive Director (360) 385-3102 x111  
Centrum Foundation, Port Townsend  
Date: June 20, 2017

re: **Penalty Assessment: Docket Number(s) 170607**

To Whom It May Concern:

Centrum received a formal *Notice of Penalties Incurred and Due for Violations of Law and Rules* from UTC on June 19, 2017. With this memo, I attach our official reply contesting the violation.

Centrum purchased five (5) passenger vans in 2015 and registered with UTC on May 20, 2016, with the expectation that we could operate these vehicles, for fee, to bring tourists to Port Townsend from the Olympic Peninsula ferry terminals. Our vehicles were inspected on June 10, 2017 by Matthew Perkinson, at which time we were provided the Guide to Achieving a Satisfactory Safety Record and accompanying regulatory materials applicable to charter and excursion carriers.

On the basis of that meeting, and those materials, Centrum Foundation determined NOT to operate the vehicles commercially, but to operate them for Centrum's own use.

On June 20, 2016, at 11:21 a.m., I e-mailed Mr. Perkinson to confirm in writing what I had been told, namely that if Centrum received no grant funding to operate the vans, and it never charged any passenger for transportation on any of the Centrum vehicles, the Foundation would be exempt from regulation. My message was as follows:

Thanks again for the very thorough information on the Centrum van fleet last week. **I would still like a formal reply to the question about whether we would avoid all of the regulation requirements if we do not charge our limited riders for the transportation service, but offer that 100% free.** The scale of what we expect to do with these vans is so small, I would prefer to offer the service at no charge and with no grant support, if that is an option.

Robert A. Birman  
Centrum Foundation

On June 24, 2016 at 7:35 a.m., Mr. Perkinson affirmed, in writing via e-mail:

**"If there is no grant and you do not charge then the commission would not regulate your business.** Please visit our website at [www.utc.wa.gov](http://www.utc.wa.gov) and see regulated industries (non-profit) for additional information. Any other questions please feel free to ask."

Mathew Perkinson  
Transportation Specialist | UTC  
Transportation Safety Enforcement | 360.664.1236 | [www.utc.wa.gov](http://www.utc.wa.gov)

I was therefore under the impression that Centrum was not being regulated, and I subsequently have not submitted any reports to UTC since my initial registration.

I affirm that Centrum is not operating its vehicles in a commercial manner and it receives no funding to support the operations of its campus van fleet. Centrum has not charged any passenger for any ride in our vehicles. The vans are being used to shuttle Centrum faculty artists and staff to SeaTac and to downtown Port Townsend from our 434-acre campus at Fort Worden State Park.

**CONTEST**

We contest the violation on the grounds outlined above. We were told that we would not be subject to regulation if we operated our vehicles in a non-commercial manner. I am happy to participate in a hearing to present evidence of this information, if needed.

We would like all penalties removed from our account, and we would like to be directed as to how to discontinue our registered account with UTC. We have no desire or intent of competing in any way with charter and excursion carrier services.

Thank you for your consideration of this appeal.