

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

BLESSED LIMOUSINE, INC.,

Respondent.

DOCKETS TE-200016 and TE-200272
(Consolidated)

STAFF RESPONSE TO PETITION
FOR REVIEW

I. BACKGROUND

1 On May 27, 2020, the Utilities and Transportation Commission (Commission) issued Order 03/02 in consolidated Dockets TE-200016 and TE-200272. The order found that Blessed Limousine, Inc.'s (Blessed Limo or Company) certificate should be cancelled for two reasons. First, the Commission found that the violations contained in an October 2019 Federal Motor Carrier Safety Administration (FMCSA) investigation report provided good cause to cancel the Company's charter party and excursion carrier certificate. Second, the Commission found that the Company's certificate should be cancelled due to the Company's failure to maintain appropriate insurance on file with the Commission.

2 On June 17, Blessed Limo filed a petition for review of the Commission's initial order, and provided additional evidence related to the violations found in the FMCSA October report and the Company's insurance. On June 23, the Commission issued a notice directing Commission Staff (Staff) to file a response to Blessed Limo's petition for review and new evidence by June 26, addressing whether Staff's positions from hearing had

changed in light of the new evidence provided by the Company and explaining why or why not. Staff now submits the following response.

II. ARGUMENT

3 The Commission should deny Blessed Limo’s petition for review. Staff has reviewed the new evidence provided by Blessed Limo and determined that although the Company has remedied the violations found by FMCSA such that the October FMCSA report no longer provides grounds for the cancellation of Blessed Limo’s certificate, the Company’s evidence fails to show that the Commission erred by cancelling the Company’s certificate for failure to maintain appropriate insurance on file with the Commission. The Commission did not err and should deny the petition for review.

A. Cancellation for Cause

4 After reviewing the additional information provided by the Company regarding its safety rating, Staff agrees that the Commission should no longer cancel the Company’s certificate for cause based on the October FMCSA report. The new evidence provided by the Company included a notice from FMCSA approving the Company’s request for a safety rating upgrade to “Satisfactory” based on the Company’s corrective action regarding the violations in the October FMCSA report. While Staff maintains that the Commission’s reasoning and analysis in the initial order were correct, the new evidence provided by the Company removes the factual basis for seeking cancellation of the Company’s certificate insofar as the Company has remedied the violations detailed in the FMCSA report. Accordingly, Staff agrees with the Company that, based on the new evidence provided, the Commission should not cancel the Company’s certificate for cause based on the FMCSA report.

B. Cancellation for Lack of Proper Insurance

5 Staff has reviewed the new evidence provided by the Company regarding its insurance and disagrees that the evidence shows the Commission erred by cancelling the Company's certificate for failing to maintain proof of insurance with the Commission. In the Commission's letter cancelling Blessed Limo's certificate for lack of proper insurance, the Commission stated that if the Company requested a hearing to contest the cancellation, the only issue would be "whether [the Company] had proof of insurance on file to avoid cancellation."¹ At hearing, Staff further clarified that the issue presented regarding the Company's insurance was whether the Commission erred by revoking the Company's certificate for lack of insurance.² Accordingly, the relevant inquiry is whether the Company had appropriate insurance on file with the Commission on March 24, 2020.

6 The new evidence provided by Blessed Limo fails to show that it had proper insurance on file on March 24, 2020. Although the Company has provided additional evidence indicating that it currently has insurance, the new evidence does not establish that the Company had appropriate insurance on file with the Commission on March 24, 2020 to avoid cancellation. Furthermore, although Blessed Limo has provided new evidence that shows that it has communicated with its insurance provider, the new evidence did not contain any details about the Company's insurance. As such, Staff cannot verify whether the Company's insurance satisfies the Commission's insurance requirements because the new evidence only reflects an insurance request. Therefore, Staff maintains its position from hearing that the Commission properly cancelled the Company's certificate for lack of proper insurance on file with the Commission.

¹ See Attachment A.

² Dockets TE-200016 and TE-200272 (consolidated), TR 8:23 – 9:12.

III. CONCLUSION

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Staff agrees with the Company that, in light of the new evidence and safety upgrade, the Commission should not cancel Blessed Limo's certificate for cause based on the violations found in the October FMCSA investigation report. However, Staff maintains that the Commission did not err by cancelling the Company's certificate for lack of proper insurance on file with the Commission because the Company's new evidence does not establish that it had appropriate insurance on file with the Commission when the Commission cancelled the Company's certificate on March 24, 2020. Therefore, Staff recommends that the Commission determine that it did not err by cancelling Blessed Limo's certificate on March 24, 2020, for lack of proper insurance on file with the Commission and deny Blessed Limo's petition for review. Notwithstanding Staff's recommendation, Staff acknowledges the progress made by the Company toward coming into compliance with Commission requirements, and notes that the Company may reapply for Commission operating authority, which would allow Staff to work with the Company to verify and resolve any remaining potential concerns.

DATED this 26th day of June 2020.

Respectfully submitted,

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Attorney General

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