

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of  
  
SANI MAHAMA MAUROU d/b/a  
SEATAC AIRPORT 24  
  
For Compliance with WAC 480-30-221  
.....  
  
In the Matter of a Penalty Assessment  
Against  
  
SANI MAHAMA MAUROU d/b/a  
SEATAC AIRPORT 24  
  
In the amount of \$29,200

DOCKET TC-152296  
*(Consolidated)*

DOCKET TC-160187  
*(Consolidated)*

COMMISSION STAFF'S ANSWER TO  
SANI MAHAMA MAUROU d/b/a  
SEATAC AIRPORT 24'S PETITION  
FOR ADMINISTRATIVE REVIEW

**I. BACKGROUND**

*i* On March 7, 2016, the Washington Utilities and Transportation Commission (“Commission”) held a brief adjudicative proceeding (“BAP”) in Docket TC-152296 in the Matter of the Investigation of Sani Mahama Maurou d/b/a Seatac Airport 24 (“Seatac Airport 24” or the “Company”) for Compliance with WAC 480-30-221 consolidated with Docket TC-160187 in the Matter of a Penalty Assessment Against Sani Mahama Maurou d/b/a Seatac Airport 24. At the conclusion of the BAP, the administrative law judge issued a bench ruling cancelling the Company’s authority to operate, effective March 8, 2016, and issued Order 01 in these consolidated dockets, Order of Consolidation; Initial Order

Cancelling Certificate; Order Imposing and Suspending Penalties, on March 15, 2016 (“Order 01”).

2           Order 01 reiterated the cancellation of the Company’s certificate C-65615 until the Company had its authority reinstated, or received new authority from the Commission.<sup>1</sup> The procedure for applying for reinstatement can be found in WAC 480-30-181.

3           Order 01 also reduced the penalty assessment against the Company from \$29,200 down to \$25,200, with \$20,000 of that suspended for two years subject to certain conditions.<sup>2</sup> Last, Order 01 ordered that the Company must pay the unsuspended \$5,200 or file a proposed payment plan by March 25, 2016.<sup>3</sup>

4           On March 9, 2016, the Commission received an approvable request for an upgrade to its safety rating and on March 17, 2016, the Commission issued a notice to the parties that the Company’s safety rating had been upgraded to CONDITIONAL and re-notifying the Company that it had until April 7, 2016 to file the appropriate application for the reinstatement of its authority to operate.<sup>4</sup>

5           On March 25, 2016, the Commission received a Response of Financial Hardship Statement #2, in these consolidated dockets, from the Company indicating that the Company may be currently experiencing a financial hardship.<sup>5</sup> On April 13, 2016, the Commission accepted this Response of Financial Hardship as a Petition for Administrative Review, issuing a Notice of Opportunity to Respond to Petition for Review and Notice Extending Time for Decision on Review in these consolidated dockets (“Notice of April 13, 2016”).

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<sup>1</sup> Order 01, Docket TC-152296, Order of Consolidation; Initial Order Cancelling Certificate; Order Imposing and Suspending Penalties ¶ 43 (March 15 2016) [hereinafter “Order 01”].

<sup>2</sup> Order 01 ¶ 44.

<sup>3</sup> Order 01 ¶ 44.

<sup>4</sup> Docket TC-152296, Letter from Steven V. King (March 17, 2016).

<sup>5</sup> Docket TC-160187, Response of Financial Hardship Statement #2 from Sani Mahama Maurou (signed dated March 20, 2016).

The Notice of April 13, 2016, permitted Commission Staff (“Staff”) to file any Answer to Petition for Review by April 27, 2016, and requested that Staff present its position regarding: (1) any further mitigation of the penalty assessed against the Company; (2) the establishment of a payment plan; (3) any reinstatement of the Company’s certificate concurrent with the approval, if any, of a payment plan and its conditions.<sup>6</sup> The Notice of April 13, 2016, also extended the time for any decision on the Petition for Review until May 11, 2016.<sup>7</sup>

6 Staff files this Answer pursuant to WAC 480-07-375 and the Commission’s Notice of April 13, 2016.

## II. ANSWER TO PETITION

7 Staff does not believe any further mitigation of the penalty amount is warranted because the initial amount of \$29,200.00 has already been substantially mitigated to an unsuspended amount of \$5,200.00. Staff supports the establishment of a payment plan for the Company to pay the unsuspended penalty amount from Order 01, under certain conditions. Staff could also support the reinstatement of the Company’s charter, excursion, and auto transportation certificate if certain conditions are met by the Company.<sup>8</sup>

8 Staff does not believe any further mitigation of the penalty amount is warranted. Staff recognizes that the Company has produced documentation along with its Petition for Review that shows the Company is behind on making payments for three vehicles, each

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<sup>6</sup> Consolidated Dockets TC-152296 and TC-160187, Notice of Opportunity to Respond to Petition for Review and Notice Extending Time for Decision on Review, p. 2 (April 13, 2016) [hereinafter “Notice of April 13, 2016”].

<sup>7</sup> Notice of April 13, 2016, p.2.

<sup>8</sup> Commission rules regarding reinstatement of a company’s certificate make reinstatement subject to the Commission’s discretion, allowing the Commission to make considerations not specifically named in WAC 480-30-181. See WAC 480-30-181(1) and (2), stating “The commission *may* reinstate a certificate . . . .” (Emphasis added.) The Commission is also granted discretion to impose additional requirements on any “company in appropriate circumstances, consistent with the requirements of law.” WAC 480-30-021(2).

registered to Mr. Sani Maurou. The documentation indicates that the Company owes at least \$20,000.00 on each of these vehicles. Staff notes that the Company's documentation shows three vehicles – a 2013 Ford Econo and two 2015 Ford Transits – and also notes that the Company explained to Staff and the Commission that it employs only two drivers. Staff is concerned that the Company may have taken on unnecessary financial obligations by purchasing more vehicles than it has drivers, and that this irresponsible but voluntary action may have placed the Company in the financial hardship it now claims should exempt it from any penalty assessment for its violations of WAC 480-30-221. The Commission's mitigation of the \$29,200.00 penalty amount to \$25,200.00 with \$20,000.00 suspended should be more than sufficient, from Staff's perspective.

9 Staff supports reinstating the Company's charter, excursion, and auto transportation certificate if the following conditions are met:

- (1) the Company provides a copy of a written agreement – including a payment schedule – with its collections agency, AllianceOne Receivables Management, Inc. (“Collections”) to address its outstanding penalty; and,
- (2) a payment plan with conditions is approved for the unsuspended \$5,200.00 penalty in this case; and,
- (3) the Company remain in compliance with Commission rules for the duration of the payment plan – with an accompanying Commission order that the Company's failure to comply with any Commission rule during this time period will be cause for cancellation of the Company's charter, excursion, and auto transportation certificate.

10 Staff notes that the Company currently has an outstanding balance of \$1,000.00 due to Collections as a result of failing to timely file its 2014 Annual Report on May 1, 2015,

Docket TE-151029. In the Company's proposed payment plan to the Commission (received on April 19, 2016), the Company stated that it has made arrangements for the outstanding amount at Collections and has made a payment towards that amount. Staff subsequently verified with Collections that the Company has not, currently, made any payment to the Commission's account and Staff concludes that the Company has also, therefore, failed to make arrangements for paying the outstanding amount. Staff acknowledges that the Company provided a receipt for a \$340.00 payment to Collections. This was paid towards some other account that the Company has with Collections and not towards the Commission's account. See Declaration of Suzanne Stillwell and Attachment A, appended to this Answer.

11 Staff recommends that the Commission require the Company to provide a copy of a payment schedule and written agreement between it and Collections for satisfying the Commission's account before considering any reinstatement of the Company's charter, excursion, and auto transportation certificate.<sup>9</sup>

12 The Company's proposed payment plan also requests payments of \$100/month until the \$5,200.00 penalty amount is satisfied. This would create a payment schedule with a 52-month term, ending in August 2020. Staff does not believe such a lengthy payment schedule is justified or acceptable. To Staff, a repayment term of more than four years does not adequately demonstrate the Company's willingness to come into compliance.

13 Staff recommends that the Company be allowed to make monthly installments to pay the unsuspended penalty amount of \$5,200.00. Staff recommends that a payment schedule be adopted with a term of 26 months. The minimum monthly installment would be \$200.00.

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<sup>9</sup> The Commission has discretion to impose additional requirements on any "company in appropriate circumstances, consistent with the requirements of law." WAC 480-30-021(2).

Each installment is to be due and payable no later than the 28th day of each month beginning May 28, 2016. If no more than the minimum is paid each month, the final installment of \$200.00 would be required on June 28, 2018. See Staff's Proposed Installment Schedule below.

Proposed Installment Schedule		
Installment	Due Date	Amount
1	May 28, 2016	\$200.00
2	June 28, 2016	\$200.00
3	July 28, 2016	\$200.00
4	August 28, 2016	\$200.00
5	September 28, 2016	\$200.00
6	October 28, 2016	\$200.00
7	November 28, 2016	\$200.00
8	December 28, 2016	\$200.00
9	January 28, 2017	\$200.00
10	February 28, 2017	\$200.00
11	March 28, 2017	\$200.00
12	April 28, 2017	\$200.00
13	May 28, 2017	\$200.00
14	June 28, 2017	\$200.00
15	July 28, 2017	\$200.00
16	August 28, 2017	\$200.00
17	September 28, 2017	\$200.00
18	October 28, 2017	\$200.00
19	November 28, 2017	\$200.00
20	December 28, 2017	\$200.00
21	January 28, 2018	\$200.00
22	February 28, 2018	\$200.00
23	March 28, 2018	\$200.00
24	April 28, 2018	\$200.00
25	May 28, 2018	\$200.00
26	June 28, 2018	\$200.00
	Total:	\$5,200.00

14 Staff recommends that the Company be allowed to make additional payments in advance of these due dates or pay an increased amount on these due dates, if it so desires, for the purpose of discharging its payment obligations early, but Staff recommends that no

additional payment or increased amount be allowed to relieve the Company of its obligation to make its timely minimum monthly installment until the entire payment plan amount of \$5,200.00 is satisfied.

15 Staff recommends that, should the Company fail to pay any installment by the due date, or fail to pay at least the minimum monthly amount by the due date, the entire remaining balance of the \$5,200.00 *and* the entire suspended portion of the penalty (\$20,000.00) become immediately due and payable without further Commission order.

16 Staff recommends that the suspension period of two years with identified conditions, specified in Order 01,<sup>10</sup> be extended to match the length of Staff's proposed payment plan (ending June 28, 2018). Staff recommends that if the payment plan amount is paid off before June 28, 2018, that the Commission order the Company to abide by the suspension period conditions specified in Order 01<sup>11</sup> until either June 28, 2018, or March 15, 2018 (two years after Order 01 was issued).

17 Staff also recommends that, should the Company fail to comply with any condition of Order 01, Paragraph 44,<sup>12</sup> or any condition prescribed by the Commission in its decision on the Company's Petition for Review, that the entire remaining payment plan balance and the entire suspended penalty of \$20,000.00 become immediately due and payable without further Commission order.

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<sup>10</sup> Order 01, ¶ 44.

<sup>11</sup> Order 01, ¶ 44.

<sup>12</sup> Order 01, Paragraph 44 states:

"Sani Mahama Maurou d/b/a SeaTac Airport 24 is assessed a penalty of \$25,200. A \$20,000 portion of the penalty is suspended for a period of two years, and then will be waived, subject to the following conditions: 1) Sani Mahama Maurou d/b/a SeaTac Airport 24 must either maintain a satisfactory safety rating or cease and desist all auto transportation operations, 2) Sani Mahama Maurou d/b/a SeaTac Airport 24 may not incur any repeat violations of WAC 480-30-221, and 3) Sani Mahama Maurou d/b/a SeaTac Airport 24 must either pay the \$5,200 portion of the penalty that is not suspended or file jointly with Staff a proposed payment plan no later than March 25, 2016."

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The Commission may cancel a company's certificate for cause.<sup>13</sup> The same rule presents a nonexhaustive list of causes for cancellation, granting the Commission discretion to consider unlisted causes as justification for cancellation.<sup>14</sup> Staff requests that the Commission require the Company to remain in compliance with Commission rules and that it regard any violation of Commission rules during the period of the payment plan as cause for cancellation of the Company's charter, excursion, and auto transportation certificate under WAC 480-30-171.<sup>15</sup>

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Staff would note that the Company's annual reports and fees are due on May 1, 2016. If the Company's certificate is not reinstated before May 1, 2016, Staff recommends and requests that the Commission refuse to reinstate the Company's certificate if the Company fails to timely submit its annual reports and fees.<sup>16</sup> If the Company's certificate is not reinstated before May 1, 2016, and the Company fails to timely submit its annual reports and fees, Staff notes that this is an example of a violation of Commission rules that Staff requests in Paragraph 18, above, that the Commission regard as cause for cancellation of the Company's certificate.<sup>17</sup>

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Staff intends to commence a review of the Company before June 28, 2018, and provide a recommendation confirming whether the suspended penalty should be waived or imposed.

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<sup>13</sup> WAC 480-30-171(2).

<sup>14</sup> The rule states: "The commission may cancel a certificate for cause. Cause includes, but is not limited to: . . . ." WAC 480-30-171(2).

<sup>15</sup> See supra note 8.

<sup>16</sup> See supra note 8.

<sup>17</sup> Failing to file an annual report or pay required fees is specifically listed as cause for cancellation of an auto transportation certificate. WAC 480-30-171(2)(b).



### III. CONCLUSION

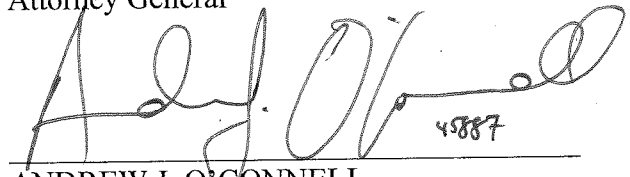
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Staff supports the establishment of a payment plan that would permit the Company to pay its penalty amount in installments, but subject to the conditions outlined above. As a result of establishing a payment plan for the amount of \$5,200.00, Staff does not believe any further mitigation of the original \$29,200.00 penalty assessment is warranted. Staff supports the reinstatement of the Company's certificate to operate as a charter, excursion, and auto transportation company if all above conditions are met and the Company remains in compliance with all applicable Commission rules and regulations.

DATED April 25<sup>th</sup>, 2016.

Respectfully submitted,

ROBERT W. FERGUSON  
Attorney General

A handwritten signature in black ink, appearing to read "A. J. O'Connell", is written over a horizontal line. To the right of the signature, the number "45887" is handwritten.

ANDREW J. O'CONNELL  
Assistant Attorney General  
Counsel for Washington Utilities and  
Transportation Commission Staff