

[Service date October 27, 2015]

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint for  
Penalties against:

BLESSED LIMOUSINE INC.

DOCKET TE-151667

ORDER 01

ORDER INSTITUTING SPECIAL  
PROCEEDING; COMPLAINT SEEKING  
TO IMPOSE PENALTIES

and

NOTICE OF BRIEF ADJUDICATIVE  
PROCEEDING

**(Set for Thursday, November 19, 2015, at  
1:30 p.m.)**

**INTRODUCTION**

- 1 The Washington Utilities and Transportation Commission (Commission), pursuant to RCW 81.04.510, institutes this special proceeding on its own motion to determine whether Blessed Limousine Inc. (Blessed Limousine) is operating as a charter party or excursion service carrier for transportation of passengers for compensation between points in the state of Washington and on the public highways of Washington State without the necessary certificate required for such operations by RCW 81.70.220.
- 2 The Commission has information from which it believes and therefore alleges that Blessed Limousine is operating as a charter party carrier or excursion service carrier, transporting passengers for compensation on the public highways of the State of Washington without the necessary certificate required for such operations by RCW 81.70.220. Specifically, the Commission has evidence that Blessed Limousine advertised its services on at least two different online websites and offered charter party carrier transportation both times that Commission Staff, posing as a consumer, inquired whether Blessed Limousine could provide such transportation.

3 Pursuant to RCW 81.04.510, upon proof of these allegations, the Commission is authorized to issue an order requiring Blessed Limousine to cease and desist activities subject to regulation under Title 81 RCW. In addition, RCW 81.04.110 authorizes the Commission to file a complaint on its own motion, setting forth any act or omission by Blessed Limousine that violates any law, or any order or rule of the Commission. Under RCW 81.70.220, the Commission may impose financial penalties of up to \$5,000 for each violation.

4 At the hearing in this special proceeding that will be conducted pursuant to Part IV of the Administrative Procedure Act (APA), RCW 34.05, of which notice is given here, the Commission will also consider its Complaint against Blessed Limousine alleging the violations of law as specified below and decide whether Blessed Limousine should be penalized.

### **ORDER AND NOTICE OF HEARING**

5 The Commission has jurisdiction to institute a special proceeding to determine whether Blessed Limousine is conducting business requiring operating authority, or has performed or is performing any act requiring Commission approval without securing such approval pursuant to RCW 80.01.040, RCW 81.01.010, RCW 81.04.510, and RCW 81.70.220. In addition to the foregoing statutes, this matter involves Title 81 RCW, including but not limited to RCW 81.04.020, RCW 81.70.020, RCW 81.70.310, and RCW 81.70.360. This matter also involves the administrative rules set forth in WAC 480-30 and WAC 480-07.

6 **IT IS HEREBY ORDERED That Blessed Limousine appear before the Commission in this special proceeding conducted under the authority of RCW 81.04.510 at 1:30 p.m., on Thursday, November 19, 2015, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, to give testimony and evidence under oath as to its operations. Blessed Limousine shall appear at the time and place set forth above unless the Executive Director and Secretary of the Commission, by notice of hearing, specifies a different time and place. This is ordered pursuant to the subpoena powers granted in RCW 34.05.446, RCW 80.01.060(1), and RCW 81.04.510.**

7 **IT IS FURTHER ORDERED** that at the hearing in this special proceeding the burden of proving that the alleged operations are not subject to the provisions of Title 81 RCW shall be upon Blessed Limousine as provided by RCW 81.04.510.

8 **NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440 AND WAC 480-07-450.**

9 If a limited English-speaking or hearing-impaired party needs an interpreter, a form is attached to this notice to be filled out and returned as indicated, so that a qualified interpreter may be appointed at no cost to the party or witness.

10 The names and mailing addresses of all parties and their known representatives are shown as follows:

Carrier: Blessed Limousine Inc.  
Mr. Clussie Bagby  
14203 56<sup>th</sup> Ave. S.  
Tukwila, WA 98168

Representative: Unknown

Commission: Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

Representative: Andrew J. O'Connell  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128

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(360) 664-1192

**COMPLAINT SEEKING PENALTIES**  
**PARTIES**

11 Complainant, the Washington Utilities and Transportation Commission, is an agency of the State of Washington, authorized by state law to regulate the rates, services, facilities, and practices of public service companies, including charter party carriers, under the provisions of Title 81 RCW.

12 Respondent, Blessed Limousine Inc. (Blessed Limousine), is a company that does business in the state of Washington.

**JURISDICTION**

13 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 81.04.110, RCW 81.01.010, RCW 81.04.160, RCW 81.04.460, and RCW 81.70.

**BACKGROUND**

14 The following facts, set forth in a Staff Investigation Report of this matter, establish probable cause for the Commission to complain against the activities of Blessed Limousine and to seek penalties in accordance with applicable law.

15 At all times pertaining to this matter, Blessed Limousine has not held certificate authority from the Commission to provide charter party and excursion carrier services.

16 On February 17, 2015 Commission Staff received a complaint that Blessed Limousine was providing passenger transportation service in a large Hummer vehicle and a party bus without appropriate Commission authority. On four separate occasions – February 23, 2015; March 24, 2015; May 4, 2015; and, June 3, 2015 – Staff made contact with Blessed Limousine to provide technical assistance and explain the need for authorization from the Commission.

17 Staff's subsequent investigation confirmed that Blessed Limousine was engaged in the business of a charter party carrier without a certificate from the Commission to do so. Staff discovered multiple advertisements for these services at Blessed Limousine's

website. Blessed Limousine also offered its services multiple times during Staff's investigation.

- 18 On September 2, 2015, Staff reviewed Blessed Limousine's website (<http://www.blessedlimo.net/>). The homepage of the website claims that Blessed Limousine provides "limousine and transportation services in the Greater Seattle area." On the "About Us" tab of the website, it states that it provides service in the Seattle area and "Party Bus Service in Seattle – Tacoma." It advertises its "luxurious 22-passenger limousines" on the "About Us" tab of the website. It advertises estimated hourly rates for its "22 passenger Hummer Limo" and its "18 passenger Executive/Party Bus" on the "Services & Rates" tab of the website. It advertises its limousine "[w]ith seating for 22 passengers," its Executive/Party Bus, and the amenities for both on the "Our Fleet" tab of the website.
- 19 On September 3, 2015, Staff reviewed Blessed Limousine's Facebook page. The page has a link to Blessed Limousine's website. The Facebook page contains photographs of vehicles with accompanying advertisements of a "Seattle H2 Hummer" that "seats up to 22 comfortably" and a 22-passenger limousine that "is stretched out 200 INCHES and downright fun . . . ."
- 20 On August 3, 2015, Commission Staff posed as a consumer and inquired about booking transportation with Blessed Limousine for either August 14 or 15, 2015, for 17-20 people to downtown Seattle, Washington. Blessed Limousine responded the next day and offered to provide the transportation.
- 21 On August 24, 2015, Commission Staff posed as a consumer and inquired about booking transportation with Blessed Limousine for September 23, 2015, for 16-18 people to a Seattle Sounders soccer match in downtown Seattle, Washington. Blessed Limousine responded the next day and offered to provide the transportation.

### **APPLICABLE LAW AND REGULATIONS**

- 22 It is illegal for any person to

engage in the business of a charter party carrier or excursion service carrier of passengers over any public highway [within the state of Washington] without first having obtained a certificate from the Commission to do so or having registered as an interstate carrier. For the purposes of this section, “engage in the business of a charter party carrier or excursion service carrier” includes advertising or soliciting, offering, or entering into an agreement to provide such service. Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation under this chapter.

RCW 81.70.220(1).

23 The term “person” includes an “individual, a corporation, association, joint stock association, and partnership, their lessees, trustees, or receivers.” RCW 81.70.020(2). *See also* WAC 480-30-036.

24 Under state law, the definition of “charter party carrier” includes every person

engaged in the transportation over any public highways in this state of a group of persons who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after leaving the place of origin.

RCW 81.70.020(5); WAC 480-30-036.

25 The term “common purpose” is defined as “a group of persons [that] is travelling together to achieve a common goal or objective.” WAC 480-30-036.

26 Under state law, the definition of “party bus” is

any motor vehicle whose interior enables passengers to stand and circulate throughout the vehicle because seating is placed around the perimeter of the bus or is nonexistent and in which food, beverages, or entertainment may be provided. A motor vehicle configured in the traditional manner of

forward-facing seating with a center aisle is not a party bus. A person engaged in the transportation of persons by party bus over any public highway in this state is considered engaging in the business of a charter party carrier or excursion service carrier.

RCW 81.70.020(9).

27 The Commission has the authority to regulate charter party carriers. RCW 81.70.270; RCW 81.70.220.

28 When used by a charter party carrier, motor vehicles (including limousines) with a seating capacity behind the driver of more than fourteen passengers are subject to regulation by the Commission. *See* RCW 81.70.270; WAC 308-83-010; WAC 480-30-036.

29 Charter party carriers are common carriers. RCW 81.04.010(11). For the purposes of Title 81 RCW, every common carrier is a public service company. RCW 81.04.010.

30 By law, every public service company that violates any Commission rule or provision of Title 81 RCW is subject to a penalty of up to one thousand dollars for every such violation. RCW 81.04.380; RCW 81.70.310. For a violation of RCW 81.70.220, however, “any person who engages in the business of a charter party carrier or excursion service carrier in violation of [RCW 81.70.220(1)] is subject to a penalty of up to five thousand dollars per violation.” RCW 81.70.220(2).

31 The Commission is authorized to file a complaint on its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the Commission. RCW 81.04.110; RCW 81.70.310.

### **COMPLAINT**

32 The Commission, through its Staff, re-alleges the allegations contained in paragraphs 14 through 21 above.

- 33 Blessed Limousine has violated RCW 81.70.220 four (4) times by engaging in the business of a charter party carrier without first having obtained a certificate from the Commission to do so. Specifically, Blessed Limousine operated as a charter party carrier of passengers when it advertised on its website, advertised on its Facebook page, and twice offered to provide charter party carrier transportation to Staff when Staff posed as a customer.

**REQUEST FOR RELIEF**

34 Staff requests that the Commission, pursuant to its authority under RCW 81.04.380, RCW 81.70.220, and RCW 81.70.310, assess penalties of up to \$5,000 per violation against Blessed Limousine.

**PROBABLE CAUSE**

35 Based on a review of the Staff Investigation Report of this matter, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

**NOTICE OF HEARING**

36 **THE COMMISSION GIVES NOTICE THAT it will conduct a hearing concerning this Complaint concurrently with the special proceeding noticed above, which will commence at 1:30 p.m., on Thursday, November 19, 2015, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

37 Administrative Law Judge Rayne Pearson, from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, will be designated to preside at the hearing of these matters.

DATED at Olympia, Washington, and effective October 8, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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GREGORY J. KOPTA  
Administrative Law Judge  
Administrative Law Division



Inquiries should be addressed to:

Executive Director and Secretary  
Washington Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired: (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter?

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No.: ( \_\_\_\_\_ ) \_\_\_\_\_