



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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August 10, 2016

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Exploration Coach Lines, LLC*

Commission Staff's Response to Request for Hearing TE-160697

Dear Mr. King:

On June 21, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-160683 against Exploration Coach Lines, LLC (previously named Exploration Tours and Charter, LLC) for 10 violations of Washington Administrative Code (WAC 480-30-071 and 480-30-076), which requires charter and excursion companies to furnish annual reports, supporting documentation and the regulatory fee to the commission no later than May 1 each year, or in this case, May 2 as May 1 was a Sunday.

On August 9, 2016, Exploration Coach Lines, LLC wrote the commission requesting a hearing disputing the violation occurred. In its hearing request, the company states, "...the company now operates as an interstate motor carrier of passengers under authority issued by the USDOT, FMCSA under MC-953972, and thus is no longer subject to the Commission's jurisdiction."

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline, or in this case, May 2 as May 1 was a Sunday. On February 29, 2016, Annual Report packets were mailed to all regulated charter and excursion companies. The instructions page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

The company provided a complete annual report and paid the regulatory fee on August 5, 2016. Exploration Coach Lines, LLC sent the penalty assessment response via certified mail on June 27, 2016. Commission Staff tracked the letter which was to be delivered to the UTC, however, it was inadvertently delivered to an address in Madison, WI. As such, the Company's response should be treated as being received timely.

Staff does not support the company's request for hearing as commission staff did not receive an annual report prior to the May 2 deadline and it is the company's responsibility to file a complete and accurate annual report. Exploration Coach Lines, LLC now has the authority to act as an interstate motor carrier of passengers, however, this authority is not mutually exclusive and a carrier can be both an Intrastate and Interstate carrier. As such, the company is still under the Commission's jurisdiction. If the Company is no longer providing Washington Intrastate operations, Exploration Coach Lines, LLC can voluntarily request cancellation of its charter and excursion authority. Exploration Coach Lines, LLC (and its predecessor) became active in 2014 and has no prior violations of WAC 480-30-071 and 480-30-076. This is the company's first delinquent filing. As such, staff recommends a reduced penalty of \$25 per day for a total penalty assessment of \$250.

If you have any questions regarding this recommendation, please contact Sean Bennett, Regulatory Analyst, at (360) 664-1157, or sbennett@utc.wa.gov.

Sincerely,



Sondra Walsh, Director
Administrative Services