

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Cancellation of the
Charter and Excursion Carrier
Certificates Held by

AIRPORT TRANSPORTER
ASSOCIATION, LLC, FOUR STAR
ENTERPRISES LLC, NORTHWEST
SHUTTLE LLC, PENINSULA BREW
TOURS, LLC, AND VICKY SANDHU,

for Failure to File Annual Reports and
pay Regulatory Fees

DOCKET TE-180773

ORDER 01
(CORRECTED)

CANCELLING CERTIFICATES

BACKGROUND

- 1 Charter and excursion carriers regulated by the Washington Utilities and Transportation Commission (Commission) must file annual reports and pay regulatory fees annually pursuant to Revised Code of Washington (RCW) 81.04.080, RCW 81.70.350, Washington Administrative Code (WAC) 480-30-071(2), and WAC 480-30-076(2). Under the authority of RCW 81.04.080, RCW 81.70.250, and WAC 480-30-171(2), the Commission may cancel a charter or excursion carrier's certificate for failure to file an annual report or pay a regulatory fee.
- 2 On October 15, 2018, the Commission served Airport Transporter Association, LLC, Four Star Enterprises LLC, Northwest Shuttle LLC, Peninsula Brew Tours, LLC, and Vicky Sandhu (collectively, "the Companies"; individually, "Company") with a Notice of Intent to Cancel Certification as a Charter and Excursion Carrier and Opportunity to Request a Hearing (Notice) for failure to file 2017 annual reports and/or pay 2018 regulatory fees.¹ The Notice informed the Companies that the Commission would cancel each Company's certificate without further notice unless the Company filed its delinquent annual report and paid its delinquent regulatory fee, or requested a hearing to

¹Although proof of certified service was not returned for Peninsula Brew Tours, LLC, electronic copies of the Notice were also served. Under WAC 480-07-150(4), the Commission may serve documents electronically except where proof of service is required by law. The Commission's Final Order adopting changes to WAC 480-07 accepted Staff's position that electronic service is acceptable for commencing adjudicative proceedings against regulated companies. *See* General Order 588 – Final Adoption Order – WSR 17-06-051, Docket A-130355 ¶16 and Appendix A (March 2, 2017). Accordingly, Peninsula Brew Tours, LLC was properly served by electronic mail.

demonstrate why its certificate should not be cancelled, within 30 days of the date the Notice was served.²

- 3 None of the Companies submitted a 2017 annual report or 2018 regulatory fee to the Commission, and the Commission did not receive a request for hearing from any of the Companies.

DISCUSSION AND DECISION

- 4 The Commission exercises its discretion to cancel the Companies' charter and excursion carrier certificates. The Commission's ultimate goal in any enforcement action is to ensure compliance with the statutes and rules that the Commission administers. Pursuant to RCW 81.04.080, RCW 81.70.350, WAC 480-30-071(2), and WAC 480-30-076(2), charter and excursion carriers must submit annual reports and regulatory fees to the Commission by May 1 of each year. The Companies did not make the requisite submissions. Accordingly, the Commission notified the Companies that their certificates would be cancelled unless the Companies attained compliance or requested a hearing within 30 days. The Companies did not come into compliance or otherwise respond.

- 5 We find that each Company's failure to file its annual report and pay its regulatory fee is a willful violation of the laws and rules the Commission is charged with enforcing. WAC 480-30-171 provides that the Commission may cancel a certificate for cause, which includes failure to file an annual report or pay required regulatory fees. The failure of the Companies to file annual reports and pay regulatory fees is cause to cancel the Companies' certificates.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the State of Washington with the authority to regulate charter and excursion carriers as defined in RCW 81.70.
- 7 (2) The Companies are public service companies as defined in RCW 81.04.010 and hold authority from the Commission to operate as charter and excursion carriers.
- 8 (3) On October 15, 2018, the Commission notified the Companies that their certificates to operate as charter and excursion carriers would be cancelled if the Companies failed to file annual reports and pay regulatory fees within 30 days.

² Airport Transporter Association, LLC holds authority to operate as a charter and excursion carrier under certificate CH064929. Four Star Enterprises LLC holds authority to operate as a charter and excursion carrier under certificate CH067392. Northwest Shuttle LLC holds authority to operate as a charter and excursion carrier under certificate CH067471. Peninsula Brew Tours, LLC holds authority to operate as a charter and excursion carrier under certificate CH064817. Vicky Sandhu holds authority to operate as a charter and excursion carrier under certificate CH067797.

The Commission also notified the Companies that they could request a hearing to contest cancellation of their certificates.

- 9 (4) The Companies have not filed annual reports or paid regulatory fees, which were due May 1, 2018.
- 10 (5) The Commission provided notice of its intent to cancel the Companies' certificates and notice of the opportunity for a hearing, but the Companies did not request a hearing.
- 11 (6) Under WAC 480-30-171(2), the Commission may cancel a charter and excursion carrier's certificate for cause, including failure to file an annual report or pay required regulatory fees.
- 12 (7) The failure of the Companies to file the annual reports and regulatory fees due May 1, 2018, constitutes cause to cancel their charter and excursion carrier certificates.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The charter and excursion carrier certificates held by Airport Transporter Association, LLC, Four Star Enterprises LLC, Northwest Shuttle LLC, Peninsula Brew Tours, LLC, and Vicky Sandhu are cancelled effective on the date this Order is served.
- 14 (2) Airport Transporter Association, LLC, Four Star Enterprises LLC, Northwest Shuttle LLC, Peninsula Brew Tours, LLC, and Vicky Sandhu are directed to **cease** all operations associated with their charter and excursion carrier certificates.
- 16 The Commission has delegated authority to the Administrative Law Director, or an administrative law judge the Administrative Law Director delegates, to enter this Order WAC 480-07-917(5).

DATED at Olympia, Washington, and effective January 9, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Director

NOTICE TO PARTIES: This is an order delegated to the Administrative Law Director for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.