

**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

COMMISSION STAFF'S RESPONSE
OPPOSING BLESSED LIMOUSINE,
INC.'S MOTION TO VACATE AND
MOTION TO REINSTATE ORDER 04

I. BACKGROUND

1 On January 26, 2016, the Washington Utilities and Transportation Commission
("Commission") entered its Final Order, Order 03, in Docket TE-151667 in the Matter of
Determining the Proper Carrier Classification of, and Complaint for Penalties against
Blessed Limousine, Inc. ("Order 03"). Order 03 imposed penalties against Blessed
Limousine, Inc. ("the Company") and suspended part of those penalties subject to certain
conditions.

2 On January 29, 2016, the Company, through its attorney David Ruzumna, filed a
Motion for Leave to Comply with Financial Penalty via Payments, requesting that the
Company be allowed to pay its \$4,000.00 unsuspended penalty via monthly installments
because it did "not have the funds necessary to pay \$4,000.00 on or before February 5,
2016" and requested that it be allowed to pay \$500.00 on or before February 5, 2016 and
\$200.00 every month thereafter until the penalty was paid.

3

On February 3, 2016, the Commission issued Order 04, Order Granting Request For Payment Arrangement, in Docket TE-151667 in the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against Blessed Limousine, Inc. (“Order 04”), granting the Company’s request for payment arrangement, subject to certain conditions. In Order 04, the Commission ordered that the Company would be permitted to “pay the \$4,000 portion of the penalty that has not been suspended in 20 consecutive monthly installments of a minimum of \$200 per month, each of which is due and payable no later than the 5th day of each month beginning February 5, 2016.”¹ It also ordered that

[i]f Blessed Limousine, Inc., fails to pay any installment by the due date, or fails to pay at least the minimum amount of \$200 by the due date, the entire remaining balance of payments and the entire suspended portion of the penalty will become immediately due and payable without further Commission order.²

4

On March 15, 2016, without further Commission order, a letter was issued by the Commission’s Executive Director and Secretary to all parties to Docket TE-151667, notifying the parties that the Company had not made a payment to the Commission in this docket; had not complied with the conditions of Order 04; and, that the Company was required to immediately pay the full penalty amount of \$10,000 in accordance with Order 03 and Order 04.

5

On March 24, 2016, the Company, through its attorney David Ruzumna, filed a Motion to Vacate and Motion to Reinstate Order 04, asking that Order 04’s payment plan be reinstated and that \$6,000.00 of the total \$10,000.00 penalty be re-suspended.

6

Commission Staff (“Staff”) files this response pursuant to WAC 480-07-375, opposing the Company’s Motion to Vacate and Motion to Reinstate Order 04.

¹ Order 04, ¶ 9.

² Order 04, ¶ 11.

II. RESPONSE TO MOTION

7 The Company failed to make its payment of \$200, mandated by Order 04, that was due on February 5, 2016 and also failed to make its payment on March 5, 2016. Staff's position is that the Commission should abide by Order 04: once the Company missed paying an installment by its due date, the entire penalty amount became immediately due.³

8 The Company defaulted on the payment plan that it proposed to the Commission. The Company requested that a payment plan be established in its January 29, 2016, Motion for Leave to Comply with Financial Penalty via Payments. It suggested that payments should begin on February 5, 2016 and be due every month thereafter. By failing to make the first two scheduled payments, the Company has failed to follow its own plan.

9 The Company should have the appropriate insurance for its vehicles. In its Motion to Vacate and Motion to Reinstate Order 04, the Company references a number of payments that it has made recently, including a payment in order to purchase the required insurance at a cost of nearly \$44,000.00. Staff would like to reaffirm that it is appropriate for any carrier to have the proper insurance and that no carrier should operate its vehicles without it.

10 In its Motion to Vacate and Motion to Reinstate Order 04, the Company states that one of the payments it recently made was a \$8,900.00 down payment for insurance.⁴ The Company indicates that this payment was made on February 22, 2016. Staff notes that in the Company's original request for a payment plan on January 29, 2016, it stated that "[u]nfortunately, the Company does not have the funds necessary to pay \$4,000.00 on or

³ Order 04, ¶ 11.

⁴ Company Motion at 2:8-9.

before February 5, 2016,”⁵ but that the Company had the funds necessary for a down payment of \$8,900.00 on February 22, 2016, yet failed to make its monthly payment of \$200 to the Commission only a few weeks prior.

11 Staff understands that the Company may have incurred some expense after Staff conducted an inspection of the Company’s vehicles, related to the Company’s application for operating authority. While Staff has yet to review any receipt for work conducted on the Company’s vehicles, Staff presumes that the \$790.00 referenced in the Company’s Motion to Vacate & Reinstate Order 04 is due to the Company’s failed vehicle inspection and Staff’s direction that the Company’s vehicles were in need of repair.

12 The Commission’s letter, indicating that the Company had violated Order 03 by failing to make any payment on its penalty and requiring the Company to immediately pay the full penalty of \$10,000.00, consistent with Order 04, was issued on March 15, 2016, after the Company failed to make its payments on February 5, 2016, and on March 5, 2016. Staff acknowledges that the Company subsequently submitted \$400.00 to the Commission. Staff disagrees with the Company, however, if there is any assertion or implication that this \$400.00 payment qualifies as Blessed Limousine’s missed payments that were due on February 5, 2016, and on March 5, 2016. Staff’s position is that the entire \$10,000.00 penalty remains immediately due and, specifically, that \$9,600.00 of the penalty is due immediately.

13 The Company’s history of interaction with Staff has been belligerent, uncooperative, and has created an air of distrust. Staff does not believe, having already defaulted once on its

⁵ Docket TE-151667, *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against Blessed Limousine, Inc.*, Motion for Leave to Comply with Financial Penalty via Payments, at 1:22-23 (Feb. 29, 2016).

own proposed payment plan, that the Company can reliably abide by any payment schedule the Commission could craft.

III. CONCLUSION

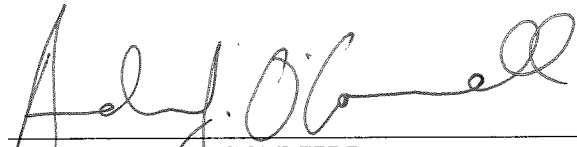
14

Staff opposes both the reinstatement of the payment plan and the re-suspension of any part of the \$10,000.00 penalty for the above reasons. Staff respectfully requests that the Commission confirm that the entire penalty amount of \$10,000.00 is due immediately, consistent with Order 04 in this docket.

DATED this 29th day of March 2016.

Respectfully submitted,

ROBERT W. FERGUSON
Attorney General

A handwritten signature in cursive script, appearing to read "Andrew J. O'Connell", written over a horizontal line.

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