



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

VIA US MAIL AND FAX

June 28, 2011

John Fricke
Vice President
PO Box 2163
Olympia, WA 98507

**RE: Filing for a Special Fuel Surcharge,
Docket TC-111165**

Dear Mr. Fricke:

On June 27, 2011, Pacific Northwest Transportation Services, Inc., Dba Capital Aeroporter (the Company), filed with the Washington Utilities and Transportation Commission (Commission) a special fuel surcharge filing of \$1.50 per one-way passenger, which the Commission assigned Docket TC-111165. The Company requested the Commission make the surcharge effective on June 29, 2011.

I must deny your request for the following reasons:

1. Your filing does not comply with the calculations set forth in Order 02, Docket A-042090, which uses one-way passenger count for the effective month (not an average annual count).
2. Your filing was made two days prior to the effective date, not "at least three business days" prior to the effective date required by Order 02, Docket A-042090.
3. As you were previously advised by Commission Order and a separate email from Staff, Order 05, issued in Docket A-042090, became effective May 2, 2011. Therefore, every filing effective on or after May 2, 2011, must comply with Order 05. Your filing fails to meet the condition set forth in Ordering Paragraph 2(b) that a company seeking a temporary fuel surcharge must "demonstrate as part of its application that the surcharge will not generate revenues in excess of the authorized portion of the difference between current fuel prices and the fuel costs embedded in the company's rates or fares that the surcharge is intended to recover..." The Order directs the Commission secretary to reject any application that fails to make the requisite demonstration.



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I note that Staff provided you with technical assistance to make a complete and timely fuel surcharge filing in May, which became effective on May 31, 2011, pursuant to Docket TC-110956. That \$2.25 per one-way passenger fuel surcharge will expire June 29, 2011.

Please consider this letter as technical assistance and notice that assessing a fuel surcharge on, and after, June 29, 2011, would violate both statute (RCW 81.28.080) and rule (WAC 480-30-276(1)), and the Commission may take appropriate enforcement action, including, but not limited to, issuing penalties.

If you have any questions regarding this letter, please contact Christopher Mickelson at cmickels@utc.wa.gov or (360) 664-1267.

Sincerely,



DAVID W. DANNER
Executive Director and Secretary