

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

THE ROCK TRANSPORTATION
SERVICES CORPORATION, d/b/a
WHIDBEY SEATAC SHUTTLE &
CHARTER,

Petitioner,

For an Exemption from WAC 480-30-
316(2)

DOCKET TG-190466

ORDER 01

ORDER GRANTING PETITION
FOR EXEMPTION

BACKGROUND

- 1 On June 5, 2019, The Rock Transportation Services Corporation, d/b/a Whidbey SeaTac Shuttle & Charter, (The Rock or Company) filed with the Washington Utilities and Transportation Commission (Commission) tariff revisions adding a stop at Paine Field on existing runs; adding additional runs; and changing certain departure times. The Company also filed a petition for exemption from WAC 480-30-316(2), notice to the public. The Company provides scheduled auto transportation services from points on Whidbey Island to Paine Field and SeaTac International Airport.
- 2 Under WAC 480-30-316(2), companies must provide 30 days' notice to the public prior to any changes that would restrict access to services, which includes route reductions and time schedule changes. The tariff and time schedule changes filed by the Company would eliminate some stops, change the times of other scheduled stops, and add stops, all of which meet the 30-day notice requirement.
- 3 The Company filed a Petition for an exemption from the 30 day notice requirement in WAC 480-30-316(2). The Company requests a June 17, 2019, effective date for the tariff changes. In its Petition, the Company posted a notice at its office and on its website as required by the WAC, and will leave the notice up for the required time period, but, if the rule is waived, the notice period will be 12 days.

- 4 The Company explained in its Petition that the exemption is necessary because the stops at Paine Field are not generating the increased ridership the Company originally expected. This is due to the less-than-projected number of people utilizing Paine Field; only two airlines, rather than three as originally planned, operate from Paine Field. The Company still provides service to Paine Field, but explained that in the early morning and late evening it makes more sense to combine this stop on the existing runs to and from SeaTac. This requires additional time changes along the route to ensure the vehicles can make the Clinton-Mukilteo ferry departure times.
- 5 WAC 480-07-110 allows the Commission, in response to a petition for exemption, to grant an exemption from the application of its rules in individual circumstances if that exemption is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 6 Commission staff (Staff) supports the Company's Petition. The Company will continue to provide the service described in its certificate, and is attempting to improve service by consolidating runs on the fringes of its time schedules when ridership is lower than average. Also, by coinciding with the state ferry schedule, customers will not be required to wait long periods of time to cross to and from Whidbey Island. Additionally, the Company has assured Staff that customers with prior reservations will be accommodated if they need to make changes, and the nature of reservations via website ensures that the most up to date schedule is available to the public. Further, the Company has posted the required notice, which was reviewed by Staff, for at least some of the required notice period and will keep the notice posted for a time after the effective date of the schedule changes.

DISCUSSION

- 7 We grant the Company's Petition for exemption from the required 30-day public notice period. Under WAC 480-07-110(1), the Commission may grant an exemption from any of its rules if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes. We find that the Company's Petition meets this standard because allowing the changes to take place on shortened notice will increase convenience and improve service for its customers sooner rather than later. Because the proposed changes substantially benefit customers, we find that granting the Petition is consistent with the public interest, the purposes underlying regulation, and applicable statutes, and we conclude that it should be granted.

FINDINGS AND CONCLUSIONS

- 8 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rules, regulations, and practices of auto transportation companies.
- 9 (2) The Rock is an auto transportation company and a public service company subject to Commission jurisdiction.
- 10 (3) This matter came before the Commission at its regularly scheduled meeting on June 13, 2019.
- 11 (4) On June 5, 2019, The Rock filed a Petition for Exemption from the Commission's 30-day public notice requirement, WAC 480-30-316(2), so that it may implement time schedule changes to streamline operations and provide better service to its customers.
- 12 (5) Pursuant to WAC 480-07-110(1), the Commission may grant an exemption from any of its rules if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 13 (6) After reviewing The Rock's Petition and giving due consideration to all relevant matters and for good cause shown, the Commission finds that granting The Rock's Petition is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

ORDER

THE COMMISSION ORDERS:

- 14 (1) The Rock Transportation Services Corporation d/b/a Whidbey SeaTac Shuttle & Charter's Petition for exemption from WAC 480-30-316(2) is granted.
- 15 (2) The Commission retains jurisdiction over the subject matter and The Rock Transportation Services Corporation d/b/a Whidbey SeaTac Shuttle & Charter to effectuate the terms of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective June 13, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary