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STATE OF WASH.
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David L. Rice
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September 8, 2004

VIA FEDERAL EXPRESS


Ms. Carole J. Washburn
Executive Secretary
Washington Utilities and Transportation Commission
Post Office Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, Washington 98504-7250

Subject: In re Application of Diamond-West Transportation Co., Inc.
Docket No. TC-041353; Application No. D-079295

Dear Ms. Washburn:

Attached for filing are an original and 12 copies of Wickkiser International Companies, Inc.'s Protest and Request for Adjudicative Proceeding and Hearing in the above-referenced matter.

Very truly yours,


David L. Rice

cc w/enc: Diamond-West Transportation Co., Inc.

Posted

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

BEFORE THE

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application of

DIAMOND-WEST TRANSPORTATION
CO., INC.

for Certificate of Public Convenience and
Necessity in Furnishing Passenger and Express
Service.

Docket No. TC-041353

Application No. D-079295

PROTEST AND REQUEST FOR
ADJUDICATIVE PROCEEDING AND
HEARING

Wickkiser International Companies, Inc. ("WIC") d/b/a Airporter Shuttle protests the above-captioned application of Diamond-West Transportation Co., Inc. ("Applicant") under WAC 480-30-032. WIC requests that the WUTC commence an adjudicative proceeding and set this application for hearing for the reasons identified in this protest.

WIC is an auto transportation company operating under authority issued by the WUTC in Permit C-1073. See Attachment. Under this authority, WIC provides scheduled airport transportation service between Yakima, Ellensburg, and Cle Elum on one hand, and on the other hand the Seattle-Tacoma International Airport and the Seattle Amtrak station. WIC operates and maintains in Washington a fleet of four - 10 passenger vans, sixteen - 20 to 24 passenger minibuses, and ten - 40 to 47 passenger motorcoaches used for the transportation of passengers and express service. WIC's address is 1416 Whitehorn St., Ferndale, Washington, 98248.

WIC believes that a grant of Applicant's application is not in the public interest and is not required by the public convenience and necessity. Applicant requests authority to

PROTEST AND REQUEST FOR ADJUDICATIVE
PROCEEDING AND HEARING - 1
SEADOCS:186533. 1

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TELEPHONE (206) 622-8484
4400 TWO UNION SQUARE
601 UNION STREET, SEATTLE, WASHINGTON 98101-2352

1 provide door-to-door and scheduled service between Seattle and Ellensburg with service to
2 Bellevue, Redmond, Issaquah, North Bend, Snoqualmie Pass, Easton, Cle Elum, intermediate
3 points, and points within one mile of I-90, via I-90, SR-10, SR-906, I-405, and SR-520, which
4 could be interpreted as including Sea-Tac Airport. WIC already provides satisfactory service
5 along the portions of this route within its certificated territory. There is no public need for the
6 Applicant's proposed, duplicative service, as WIC's existing equipment is not fully utilized and
7 is available to provide additional service should the need and opportunity arise. WIC also
8 believes that the Applicant is not fit, willing, and able to provide the proposed service in
9 accordance with the applicable laws, rules, and regulations.

10 If the WUTC sets this matter for hearing, WIC will appear, submit evidence, and
11 present witnesses at the hearing in support of this protest. WIC will represent itself in this
12 proceeding and will be represented by its attorneys, Brooks E. Harlow and David L. Rice.

13 DATED this 8th day of September, 2004.

14
15 MILLER NASH LLP

16
17 By: 

18 Brooks E. Harlow
David L. Rice

19 Attorneys for Wickkiser International
20 Companies, Inc. d/b/a Airporter
21 Shuttle

ATTACHMENT

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

For the Operation of Motor Propelled Vehicles

pursuant to the provisions of Chapter 81 RCW

THIS IS TO CERTIFY that authority is granted to operate as a MOTOR CARRIER in the transportation of the commodities and in the territory described herein to

CWA, INC.,
d/b/a CENTRAL WASHINGTON AIRPORTER
2410 SOUTH 26TH AVENUE
PO BOX 9364
YAKIMA, WA 98903

PERMIT NO.
C-1073

PASSENGER SERVICE BETWEEN: Yakima, Ellensburg, and Cle Elum, on the one hand, and on the other hand the Seattle-Tacoma International Airport and the Seattle Amtrak station.

TC-021402

05-28-03



SERVICE DATE
MAY 28 2003

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

By

Carole J. Shaskin

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CERTIFICATE OF SERVICE
WUTC DOCKET NO. TC-041353

I, Carol Munnerlyn, hereby certify under penalty of perjury that on September 7, 2004, I caused to be served by certified U.S. mail, return receipt requested a copy of the Protest and Request for Adjudicative Proceeding and Oral Hearing on the following parties:

Diamond-West Transportation Co., Inc.
Post Office Box 1313
Enumclaw, WA 98022

Dated this 8th day of September, 2004.



Carol Munnerlyn, Secretary