



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

May 3, 2011

John J. Solin, President
Seatac Shuttle, LLC d/b/a Whidbey-Seatac Shuttle
Post Office Box 2895
Oak Harbor, Washington 98277

**RE: Filing for a Special Fuel Surcharge,
Docket TC-110734**

Dear Mr. Solin:

On April 28, 2011, Seatac Shuttle, LLC d/b/a Whidbey-Seatac Shuttle (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-110734. The Company requested the Commission make the surcharge effective May 1, 2011.

I must deny your request. While Order 02, issued in Docket A-042090, delegates to the Commission secretary authority to waive customer notice requirements and approve a temporary fuel surcharge effective with less than statutory notice, the Order makes clear that this authority may be used only when the requested effective date is at least *three business days* after the date the request is filed.

The Company requested an effective date of May 1, 2011, which is only two business days' notice to the Commission. It therefore does not meet the requirement in Order 02. As secretary, I am not authorized to waive this requirement.

I am also unable to approve a temporary surcharge with an effective date after May 1. 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

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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.

The Company's \$1.50 per one-way passenger fuel surcharge that became effective on April 27, 2011, pursuant to Docket TC-110700, will remain in effect until May 26, 2011.

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