

COMMENTS OF SEATAC SHUTTLE, LLC

6-21-13

DOCKET TC-121328

As stated in previous comments, this company is generally supportive of the proposed revision to WAC 480-30 with regard to fare flexibility. However, we continue to identify specific sections and proposed language that we feel is not in the best interest of the public, the companies or the State. Those concerns are delineated below. We applaud both Ann Rendahl and Chris Rose for their efforts on behalf of both the agency and the companies.

- 1) 480-30-096 (2) (a)(b) (c): A company must include all requested information, *etc.* in an application submission. This is a clear requirement and if not satisfied the application must be rejected. The latitude permitted by the word may in the proposed language of this section allows for incomplete filings and unprepared applicants to enter into the process not sufficiently knowledgeable, financially able or properly educated concerning safety issues among other required areas of required demonstrated ability. If an application is incomplete, it must be rejected.
- 2) 480-30-116(2)(3): These sections severely limit the information that can be provided to the commission by an objector and removes all but the single directly affected party from the objecting process. Much more vital information that could be potentially provided to the commission regarding the fitness or history of an applicant is excluded under this section. This exclusion of information is potentially damaging to both the public and the industry as a whole. In an overzealous effort to relax the rules of entry for new applicants, the commission proposes to put the public at risk. The commission has shown that historically it will not conduct valid or in-depth investigations into complaints and we do not expect that staff will change its investigative procedures in the new application process.
- 3) 480-30-140(2)(f): This company again objects to this section in the strongest terms. This is the biggest source of guaranteed adjudication in the proposed revision. Territories of scheduled providers are ignored and routes are elevated to primacy. Of course it is more convenient if a pick-up stop is one block closer on a parallel route for a particular customer or group of customers. This ignores the concept of scheduled service which is to provide service to a group of customers at a centrally convenient point for all of them enabling a low fare structure. Door-to-door service is there to

provide personalized service at a point that is most convenient for the single passenger, at a higher fare.

- 4) 480-30140(3)(a)(ii): Requiring companies to continually expand to provide evidence of providing service to the satisfaction of the commission denies economic realities. Geographical restrictions and population distribution may not allow for expansion under a company's authority. There is a point of diminishing returns where expansion would be economically ruinous. As business entities we cannot expand indefinitely in a finite market.
- 5) 480-30140(3)(a)(iii): Companies can only be as responsive as permitted by RCW 81.68 and WAC 480-30. We are precluded from satisfying every request, even if it seems reasonable. We cannot violate statute or rule to satisfy a customer request. This section implies that not satisfying customer requests would serve to foster the notion that we are not serving to the satisfaction of the commission. The language in this section is unreasonable and misleading.
- 6) 480-30-ZZZ: This section was not included in the amendatory version provided by the commission to stakeholders in the final revision. If, in fact, this un-numbered section is still to be included, we would expect that the commission will continue to work diligently on amending RCW 81.68 through the legislative process to enable true deregulation as has been previously attempted. We also expect that that process would be completed well before the trigger date of this section thereby rendering it moot.

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Thank You,

Michael Lauver
Seatac Shuttle, LLC
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