BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

|  |  |
| --- | --- |
| In re Application TC-143691SPEEDISHUTTLE WASHINGTON, LLC D/B/A SPEEDISHUTTLE SEATTLE For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company | DOCKET TC-143691PACIFIC NORTHWEST TRANSPORTATION SERVICES, INC D/B/A CAPITAL AEROPORTER’S PETITION FOR ADMINISTRATIVE REVIEW OF INITIAL ORDER 02 – OVERRULING OBJECTIONS TO APPLICATION FOR NEW AUTHORITY  |

1. Objector Pacific Northwest Transportation Services Inc. d/b/a Capital Aeroporter Airport Shuttle (“Capital” or “Objector”) respectfully seeks through Petition and Response to Initial Order 02 – Overruling Objections to Application for New Authority of January 22, 2015, for Administrative Review.
2. Speedishuttle Washington, LLC. (“Speedishuttle” or “Applicant”) presented no actual customer statement or interested customer statement of “public need” or “public convenience and necessity” per WAC 480-30-140, in presented evidence or during testimony and therefore should be denied approval of application .
3. Applicant proposes use of 5 vans which does not adequately supply the need it suggests, based upon growth and population; did not offer any evidence of any specific; customer denial of service, “statements or testimony”, or complaint against Objectors “because the company (companies) fails to meet any of the satisfaction criteria identified (same service)” (WAC 480-30-140(3c). Therefore, application should be denied.
4. Applicant proposes supplying an airport greeter to all arriving passengers, which would not be economically sustainable with proposed fares.
5. Page 6, Paragraph 19, Sentence 2 of the Initial Order is inaccurate. Replacement of verbiage should be as follows: **Capital Aeroporter. “Capital offers 24 Hour Direct Door to Door Service.”** The last sentence of the paragraph should be replaced with **“Given the totality of these factors, we find that Capital Aeroporter does provide substantially the same service Speedishuttle seeks to provide;”**.
6. Paragraph 28 needs to be rewritten to uphold Capital’s Objection to the Application and remove the King County subarea (subregion) served under C-862.
7. Service differentiation of Auto Transportation Services (WAC 480-30-140(1b)) are not determined by the presence of an Airport Greeter, TVs on board, or a 20-minute wait versus a 30-minute wait time. The “type, means, and methods” of service are only to be distinguished by the actual Auto Transportation Service provided to the consumer. Type of services to be distinguished from one another would be Door-to-Door Service versus Scheduled Service. Means and methods of providing the service providing distinction from one another would be; vehicles used, number of stops, where customers are picked up/dropped off, wait time (10 minutes hardly a fair distinction).
8. The Application and Objection process through Brief Adjudicative Proceeding (BAP) was to focus solely on whether existing certificate holders are; authorized to provide the same service, provide the same service and provide it to the satisfaction of the Commission. The Applicant was continually allowed to question and demand details into actual Fitness of the existing certificate holders, while the existing certificate holders’ questions regarding fitness of Applicant were continually objected/sustained during the Proceeding. It seems, in this particular case, that a more appropriate forum for Objection to Application should have been a full, Regular Adjudicative Hearing.
9. Finally, Capital respectfully requests the Administrative Review to consider all points brought forth in this matter, and to change the statements and modify the Initial Order 02, accordingly.

DATED this 11th day of February, 2015.

|  |  |
| --- | --- |
|  | RESPECTFULLY sUBMITTED,By  John Fricke  johnf@capair.com Vice President—Operations, Capital Aeroporter |

**CERTIFICATE OF SERVICE**

 I hereby certify that on February 11, 2015, I caused to be served the original and one (2) copies of the foregoing document to the following address via first class mail, postage prepaid to:

 Steven V. King, Executive Director and Secretary

Washington Utilities and Transportation Commission

Attn.: Records Center

P.O. Box 47250

1300 S. Evergreen Park Dr. SW

Olympia, WA 98504-7250

I certify I have also provided to the Washington Utilities and Transportation Commission’s Secretary an official electronic file containing the foregoing document via email to:

records@utc.wa.gov

and an electronic copy via email and first class mail, postage prepaid, to:

|  |  |
| --- | --- |
| Julian BeattieAssistant Attorney GeneralWashington Utilities and Transportation Commission1400 S. Evergreen Park Dr. SWPO Box 40128Olympia, WA 98504-0128(360) 664-1192Email: jbeattie@utc.wa.gov | Rayne PearsonAdministrative Law Judge1300 S. Evergreen Park Drive S.W.P.O. Box 47250Olympia, WA 98504-7250(360) 664-1160rpearson@utc.wa.gov |
| Dave WileyWilliams, Kastner & Gibbs, PLLCTwo Union Square601 Union Street, Suite 4100Seattle, WA 98101Email: dwiley@williamskastner.com | John FrickePacific Northwest Transportation Services, Inc.d/b/a Capital Aeroporter Airport ShuttlePO Box 2163Olympia, WA 98507-2163(360) 292-7680johnf@capair.com |
| Bruce WinchellMills Meyers Swartling, P.S.1000 Second Avenue, 30th FloorSeattle, WA 98104Email: bwinchell@millsmeyers.com |  |
|  |  |

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 John Fricke