

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

SEATAC SHUTTLE, LLC, C-0177)	DOCKET TC-072180
)	
Complainant,)	
)	NOTICE OF PREHEARING
v.)	CONFERENCE
)	(Set for January 10, 2008
KENMORE AIR HARBOR, LLC)	at 11:00 a.m.)
(Certified),)	
)	
Respondent.)	
)	
.....)	

1 On November 13, 2007, SeaTac Shuttle, LLC (SeaTac Shuttle) filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint alleging that Kenmore Air (KA) is in violation of certain sections of WAC 480-30 and RCW 81.68. These violations are alleged to result from KA providing scheduled passenger service over a regular route without the authority required under RCW 81.68 and WAC 480-30.

2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate persons seeking to furnish auto transportation services under RCW 81.68. The issues in this proceeding include whether the complainant is in violation of WAC 480-36. Statutes that may apply to this matter include RCW 80.01, RCW 81.04, RCW 81.68, and RCW 34.05, including but not limited to RCW 34.05.422, RCW 34.05.440, RCW 34.05.449

3 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

4 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 11:00 a.m., on January 10, 2008 in Room 108 of the Commission’s headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

5 The purpose of the prehearing conference is to consider any requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

6 **INTERVENTION:** Persons seeking to intervene in this proceeding must file written petitions to intervene at least three business days before the date of the prehearing conference. In addition, party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day before the conference. If any party or witness needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for the evidentiary hearings at the prehearing conference or by later written notice.

7 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440. The Commission specifically invokes the sanction provisions of WAC 480-07-450 which allow the Commission to seek penalties for a party in default.**

8 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: SeaTac Shuttle, LLC
PO Box 2895
Oak Harbor, WA 98277

Representatives: Michael Lauver
John Solin
SeaTac Shuttle, LLC
PO Box 2895
Oak Harbor, WA 98277
(360) 679-4003
mike@seatacshuttle.com
john@seatachshuttle.com

Respondent: Kenmore Air Harbor, Inc.
6321 NE 175th
PO Box 82064
Kenmore, WA 98028-0064

Representative: Brooks E. Harlow
Miller Nash, LLP
4400 Two Union Square
601 Union Street
Seattle, WA 98101
(206) 622-8484
Brooks.harlow@millernash.com

Commission Staff: Donald Trotter
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
Olympia, WA 98504-0128
(360) 664-1189
dtrotter@utc.wa.gov

9 Administrative Law Judge Dennis J. Moss, from the Commission's Administrative Law Division, will preside during this proceeding.

10 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective December 13, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be addressed to:

Executive Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____