

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TC-131111
)	
BML INVESTMENTS LLC dba)	ORDER 01
WENATCHEE VALLEY SHUTTLE,)	
)	
Requesting Forbearance from Rate and)	ORDER GRANTING
Service Regulation as an Auto)	FORBEARANCE FROM RATE
Transportation Company Under)	AND SERVICE REGULATION AS
RCW 81.68.015)	AN AUTO TRANSPORTATION
)	COMPANY
.....)	

BACKGROUND

1 BML Investments LLC dba Wenatchee Valley Shuttle (Wenatchee Valley Shuttle or Company) holds auto transportation certificate C-64605 authorizing provision of regulated passenger service between Wenatchee and Sea-Tac International Airport, with intermediate stops at Peshastin, by reservation only. The Company’s certificate also allows it to offer intrastate charter and excursion services.¹

2 On June 10, 2013, Wenatchee Valley Shuttle filed with the Washington Utilities and Transportation Commission (Commission) a petition in Docket TC-131111, requesting that the Commission forbear from rate and service regulation under RCW 81.68.015 for the following leisure and recreational round-trip offerings from Wenatchee and Peshastin:

- (a) to CenturyLink Field in Seattle, WA, for sporting events; and
- (b) to the Mill Bay Casino in Manson, WA, for summer concerts.

In discussions with Commission Staff, the Company also proposed to serve Seattle Mariners baseball games at Safeco Field in Seattle, WA. The Company proposes to offer these trips only on game days and concert series evenings, respectively. On July 7, 2013, the Company filed a request to modify its original petition with the Commission to include Safeco Field in Seattle, WA. The Company believed that its verbal notification in early June 2013, to Staff, was all that it needed to do to modify its petition.

¹ See Docket TC-120337.

3 On June 26, 2013, the Commission published notice of Wenatchee Valley Shuttle's
petition² in its Transportation Docket and established August 2, 2013, as the deadline for
filing public comment. The Commission did not receive any comment from the public.

DISCUSSION

4 RCW 81.68 generally requires auto transportation companies transporting persons and
their baggage for compensation to hold a certificate of public convenience and necessity
issued by the Commission.³ However, RCW 81.68 "does not apply to a service carrying
passengers for compensation over any public highway in this state between fixed termini
or over a regular route if the Commission finds, with or without a hearing, that the service
does not serve an essential transportation purpose, is solely for recreation, and would not
adversely affect the operations of the holder of a certificate under this chapter, and that
exemption from this chapter is otherwise in the public interest."⁴ Companies providing
these services must instead obtain a permit under RCW 81.70.

5 Wenatchee Valley Shuttle holds Certificate C-64605 and currently provides by
reservation only regulated auto transportation service between Wenatchee and Sea-Tac
International Airport, with an intermediate stop in Peshastin. If the Commission grants
the Company's petition, Wenatchee Valley Shuttle would add new non-regulated
services: game day excursions to Seattle's CenturyLink Field and Safeco Field and
seasonal shuttle services to the Mill Bay Casino's summer concert series.

6 Commission Staff supports the Company's petition for forbearance from rate regulation
with regard to both of the proposed offerings because these services:

- (a) do not serve an essential transportation service;
- (b) are solely for recreation; and
- (c) would not adversely affect operations of any other certificate holder.

According to Commission Staff, transportation to sporting events and concerts is not
essential and should instead be considered recreational in nature. Commission Staff is
not aware of any other auto transportation company already providing similar services.

² The Transportation Docket included notice of the Company's intention to serve Safeco Field.

³ RCW 81.68.020 and RCW 81.68.040.

⁴ RCW 81.68.015.

7 After full consideration of Wenatchee Valley Shuttle's request, Commission Staff concludes that the Company's petition is in the public interest. In addition, Wenatchee Valley Shuttle's current certificate is legally sufficient to include the Company's proposed leisure travel trips. Therefore, Commission Staff recommends granting the Company's modified petition for forbearance from rate and service regulation for the proposed non-essential recreational transportation services.

FINDINGS AND CONCLUSIONS

- 8 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including auto transportation companies.
- 9 (2) BML Investments LLC dba Wenatchee Valley Shuttle is an auto transportation company and a public service company subject to Commission jurisdiction.
- 10 (3) This matter was brought before the Commission at its regularly scheduled meeting on August 15, 2013.
- 11 (4) BML Investments LLC dba Wenatchee Valley Shuttle's proposed transportation services to CenturyLink Field, Safeco Field, and the Mill Bay Casino do not serve an essential transportation service, are solely for recreation, and will not adversely affect the operations of any other certificate holder.
- 12 (5) Commission Staff supports the Company's petition for forbearance from rate and service regulation under RCW 81.68.015 in order to provide non-essential recreational transportation services.
- 13 (6) BML Investments LLC dba Wenatchee Valley Shuttle's petition for forbearance from rate and service regulation is in the public interest and should be granted.

ORDER

THE COMMISSION ORDERS:

- 14 BML Investments LLC dba Wenatchee Valley Shuttle's modified petition for forbearance from rate and service regulation under RCW 81.68.015 is granted.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective August 15, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary