

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TC-200887
SHUTTLE EXPRESS, INC.	ORDER 01
Relating to Cancellation of Service Authorized by Certificate of Convenience and Necessity No. C-000975 and CH- 000171	GRANTING EXEMPTION FROM RULE; GRANTING PERMANENT DISCONTINUANCE OF SERVICE

BACKGROUND

- 1 On October 27, 2020, Shuttle Express, Inc., (Shuttle Express or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition to permanently discontinue its auto transportation operations authorized under certificate of public convenience and necessity C-000975 (Petition). The Company's Petition also requested that the Commission cancel the Company's charter certificate CH-000171.
- 2 The Commission previously granted the Company's request to temporarily suspend auto transportation service under C-000975 due to the effects of the COVID-19 pandemic in Docket TC-200323, effective April 10, 2020.
- 3 In its Petition, the Company states that it does not have the financial resources to resume operations and that "[a]dverse enforced and dictated operations by the Port of Seattle, and Pandemic flu" requirements have led Shuttle Express to permanently discontinue providing services under certificates C-000975 or CH-000171.
- 4 On November 6, 2020, Shuttle Express emailed Commission staff (Staff) stating that, during the last six months, the Company has notified vendors, communities, and the public through the internet that it has discontinued operations. Shuttle Express's largest notification vehicle is the internet. Shuttle Express stated that all phone numbers, internet, and web bookings have been transferred to Bayview Limo.
- 5 On December 2, 2020, the Company emailed Staff requesting an exemption from Washington Administrative Code (WAC) 480-30-186(2)(a), which requires an auto transportation company seeking discontinuation of service to provide 30-day written notice regarding the discontinuation of service to affected customers, and officials in counties and cities where customers reside.

6 WAC 480-30-186(2)(c)(ii) provides that the Commission may attach conditions to any grant of discontinuance of operations that it deems necessary to protect the interests of the public.

7 Staff reviewed Shuttle Express's Petition for permanent discontinuance of service as well as its request for exemption from WAC 480-30-186(2)(a) and recommends that Shuttle Express's Petition be granted. Staff does not oppose the Company's request for exemption from WAC 480-30-186(2)(a). Staff supports the Company's request to permanently discontinue auto transportation and charter excursion operations for the following reasons:

- (a) Shuttle Express has been effectively shut down since April 10, 2020, when the Company was granted a suspension of its certificate of public convenience and necessity C-000975¹ due to the COVID-19 pandemic.
- (b) By the Company's admission, it cannot afford to resume operations.
- (c) The Company is liable for a penalty assessed in Docket TC-200151, Order 04, if the company operates as a passenger transportation company.
- (d) Shuttle Express issued notice of its service suspension on April 2, 2020, in docket TC-200323. Staff received no comments in response to that notice. Shuttle Express is routing all potential customers to Bayview Limo, d/b/a Shuttle Express 2, minimizing the impact on customers.
- (e) There are no WAC requirements for a notification of discontinuance of service associated with charter certificates.

DISCUSSION

8 We grant Shuttle Express's Petition and approve the cancellation of certificate of public convenience and necessity C-000975 and charter certificate CH-000171, thereby allowing permanent discontinuance of service. The COVID-19 pandemic has severely limited travel and thus drastically altered economic conditions for regulated passenger transportation companies. In light of these adverse, unfortunate circumstances, the

¹ Requested Less than Statutory Notice filing by Shuttle Express, Inc., Docket TC-200323, Order 01 (Apr. 10, 2020).

Commission finds that it is consistent with the public interest that the Company be allowed to discontinue providing regulated auto transportation service.

9 We also grant the Company's request for an exemption from WAC 480-30-186(2)(a), which would require the Company to provide at least thirty days' written notice of discontinuation of service to customers, and officials of cities and counties where affected passengers reside, and to the Commission. Pursuant to WAC 480-07-110(1), the Commission may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

10 The Commission acknowledges the conditions that the Company is facing and recognizes that, because the Company has not operated since April 10, 2020, waiving the written notice requirement to enable the Company to discontinue auto transportation service is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

FINDINGS AND CONCLUSIONS

11 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property, and affiliated interest transactions of public service companies, including auto transportation companies and charter party carriers.

12 (2) Shuttle Express is an auto transportation company and charter party carrier subject to Commission jurisdiction.

13 (3) Under WAC 480-30-186, an auto transportation company must request approval from the Commission to discontinue some or all of its operations. The Company must provide 30 days' written notice to the Commission and the public before the effective date of the discontinuance.

14 (4) Pursuant to WAC 480-07-110(1), the Commission may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

15 (5) This matter came before the Commission at its regularly scheduled meeting on December 23, 2020.

- 16 (6) After reviewing Shuttle Express's Petition filed in Docket TC-200887 and giving due consideration to all relevant matters and for good cause shown, the Commission finds that the Petition should be granted, and that granting the Company's petition for exemption from WAC 480-30-186 is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

ORDER

THE COMMISSION ORDERS:

- 17 (1) Shuttle Express, Inc.'s petition to discontinue auto transportation service authorized by certificate of public convenience and necessity No. C-000975 is granted.
- 18 (2) Shuttle Express, Inc.'s requested exemption from WAC 480-30-186(2)(a) is granted.
- 19 (3) Shuttle Express, Inc., must cease all operations associated with certificate C-000975.
- 20 (4) Shuttle Express, Inc.'s request to cancel charter certificate CH-000171 is granted.
- 21 (5) Shuttle Express, Inc., must cease all operations associated with certificate CH-000171.
- 22 The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective December 23, 2020

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

ATTACHMENT A

Passenger service between points in King County and waterfront terminals in Seattle.

Limitations: No service may be rendered hereunder between:

1. Hotels in the cities of Sea-Tac or Tukwila and Cruise Terminals #66 and #91.
2. South Center Mall and Cruise Terminals #66 and #91.

Between: The Seattle-Tacoma International Airport, Boeing Field, Renton Airport, and Paine Field and points within the Seattle Commercial Zone in King and Snohomish Counties and excluding points in Kitsap and Pierce Counties, described as follows:

- (a) the municipality of Seattle;
- (b) All points within a line drawn fifteen miles beyond the municipal line of Seattle;
- (c) Those points in King County which are not within the area described in (b) of this subsection and which are west of a line beginning at the intersection of the line described in (b) of this subsection and Washington Highway 18, thence northerly along Washington Highway 18 to junction of Interstate Highway 90, thence westerly along Interstate Highway 90 to junction of Washington Highway 203, thence northerly along Washington Highway 203 to the King County line; and those points in Snohomish County, which are not within the area described in (b) of this subsection and which are west of Washington Highway 9.
- (d) All of any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this subsection; and
- (e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Seattle or by any other municipality included under the terms of (d) of this subsection.

Between: The Seattle-Tacoma International Airport, Boeing Field, Renton Airport and Paine Field and points within a 25-mile radius of these airports, excluding points in Kitsap and Pierce Counties.

Between: The Seattle-Tacoma International Airport and points in Pierce County, excluding service to or from Fort Lewis Army Base, McChord Air Force Base, Pearls by the Sea in Purdy, Safeway at Pt. Fosdick Square in Gig Harbor, and Denny's Restaurant at 5924 - 6th Avenue in Tacoma.

RESTRICTIONS:

1) Service may not be provided to or from the Sheraton Tacoma Hotel, La Quinta Hotel, Quality Hotel, Sherwood Inn, Lakewood Motor Inn and Tacoma Inn-Best Western.

THE FOLLOWING AUTHORITY WAS OBTAINED BY TRANSFER FROM C-859 STANDING IN THE NAME OF SUBURBAN AIRPORTER, INC.

PASSENGER SERVICE BETWEEN:

Kirkland, Redmond, Bellevue, Mercer Island and Renton on the one hand and the Seattle-Tacoma International Airport on the other hand, via Interstate Highway 405 and connecting highways; subject to the following limitations: (1) The transportation service is limited to passengers, and their baggage, to or from Seattle-Tacoma International Airport. (2) No service is authorized except at points named. (3) Service at the said airport shall be conducted in accordance with authorization issued by the Port of Seattle and such authorization is a term of this certificate. In the event of failure to comply with such authorization, this certificate, after hearing, may be suspended or revoked, in whole or in part. The holder of this certificate shall file with the Commission a copy of each authorization, or cancellation thereof, issued by the Port of Seattle.

SUB. NO. 1 PASSENGER SERVICE BETWEEN:

Seattle-Tacoma International Airport, and/or Boeing Field Airport and Kirkland, Washington via county roads or city streets to Interstate 5 to Interstate 90 and/or SR 520, thence to their junction with Interstate 405, thence over Interstate 405 and County Roads to Kirkland. (a) Via Interstate 405 and County Roads to points lying between Kirkland and the Snohomish County line. (b) West of Bothell to a line drawn south from the Snohomish County line along NE 88th to NE 170th St., thence West to Lake Washington. (c) Issaquah in King County.

THE FOLLOWING AUTHORITY WAS OBTAINED BY TRANSFER FROM C-858
STANDING IN THE NAME OF COOMBS, ORVILLE J. & DIANE J.

PASSENGER SERVICE

BETWEEN:

Sherwood Inn located in the University District at the intersection of Interstate 5 and N.E. 45th St. and the Seattle-Tacoma International Airport via I-5 and N.E. 45th Street or alternate routes north and south.

LIMITATIONS:

1. No express service may be rendered hereunder except in the carrying of baggage of passengers.
2. No service may be rendered hereunder from, to or between intermediate points between Everett, the Everett Holiday Inn, Lynnwood and the Ramada Inn, 2140 North Northgate Way, Seattle, and the Sherwood Inn, Interstate 5 and N.E. 45th Street on the one hand and the Seattle-Tacoma International Airport on the other hand via local streets, Interstate Highway 5, State Road 518 or Interstate Highway 405 and 99 or alternate routes north and south.
3. The certificate shall remain effective only during the existence of satisfactory arrangements between the certificate holder and the Port of Seattle whereby the certificate holder shall be permitted to have access to and to afford the service under the certificate at the Seattle-Tacoma Airport.
4. The certificate holder must promptly furnish this Commission with a copy of any subsequent arrangements with the Port of Seattle which will change, modify, or expand any prior arrangements filed with the commission.

THE FOLLOWING AUTHORITY WAS OBTAINED BY TRANSFER FROM C-819
STANDING IN THE NAME OF EVERGREEN TRAILS, INC.

BETWEEN: Seattle and Seattle-Tacoma Airport.

LIMITATIONS:

1. Service hereunder is expressly limited to the transportation of airline passengers and flight crews between Seattle-Tacoma Airport on the one hand, and hotels, air and ground transportation office and facilities in Seattle on the other hand, at rates substantially higher than the fares of regular common carriers.
2. No express service may be rendered hereunder except in the carrying of baggage and excess baggage of passengers and flight crews.
3. No service may be rendered hereunder from, to or between intermediate points.