

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of  
  
NORTHWEST PARAGLIDING  
ADVENTURES LLC  
  
Requesting Forbearance from Rate and  
Service Regulation as an Auto  
Transportation Company under RCW  
81.68.015 and Exemption from the  
Provisions of WAC 480-30-096 Relating to  
Application Filing Requirements.

DOCKET TC-210033  
  
ORDER 01  
  
GRANTING FORBEARANCE  
FROM RATE AND SERVICE  
REGULATION AS AN AUTO  
TRANSPORTATION COMPANY;  
GRANTING PETITION FOR  
EXEMPTION FROM RULE

**BACKGROUND**

- 1 On January 21, 2021, Northwest Paragliding Adventures LLC (Northwest Paragliding Adventures or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting the Commission grant forbearance from rate and service regulation as an auto transportation company under RCW 81.68.015, and requesting the Commission grant an exemption from the application requirements of WAC 480-30-096(3)(c), (d), (f) and (g) (Petition).
- 2 The Company seeks to provide passenger transportation service for paragliders between the paraglider landing zone on Issaquah-Hobart Road to Poo Poo Point in Tiger Mountain State Forest solely for recreational purposes as a non-essential transportation service. The Company’s customers are exclusively paragliders engaging in the sport on Tiger Mountain.
- 3 RCW 81.68.015 excludes from rate and service regulation any passenger carrier service that is not an essential transportation service, that is provided solely for recreational purposes, and that does not adversely affect any current fully regulated auto transportation certificate holder.
- 4 As of the date of this order, there are no fully regulated auto transportation companies providing service on the proposed route.
- 5 RCW 81.68.015 requires that a company granted exemption from regulation obtain a charter and excursion certificate under RCW 81.70.

6 Commission staff (Staff) conclude that the service provided by the Company meets the exemption criteria of RCW 81.68.015.

7 In addition, the Company requests an exemption from WAC 480-30-096(3)(c), (d), (f) and (g). Staff agrees with the Company that documents such as financial statements, ridership forecasts, tariffs, and time schedules are not necessary for the Commission to determine whether the Company should be exempted from regulation. Staff supports the Company's request for exemption from WAC 480-30-096(3)(c), (d), (f) and (g).

### DISCUSSION

8 We agree with Staff's recommendation and grant the Company's Petition requesting forbearance from rate and service regulation under RCW 81.68.015. The Company's proposed service is not an essential transportation service, is provided solely for recreational purposes, and does not adversely affect any current fully regulated auto transportation certificate holder. For those same reasons, we also grant the Company's request for an exemption from the application requirements of WAC 480-30-096(3)(c), (d), (f) and (g).

### FINDINGS AND CONCLUSIONS

9 (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.

10 (2) Northwest Paragliding Adventures is a public service company subject to Commission jurisdiction.

11 (3) Under RCW 81.68.015, the Commission may grant forbearance from the application of RCW 81.68 if it finds that a service does not serve an essential transportation purpose, is solely for recreation, and will not adversely affect the operations of an auto transportation certificate holder.

12 (4) Northwest Paragliding Adventures' proposed service between the paraglider landing zone on Issaquah-Hobart Road to Poo Poo Point in Tiger Mountain State Forest does not serve an essential transportation service, is solely for recreation, and will not adversely affect the operations of any auto transportation certificate holder.

- 13 (5) Northwest Paragliding Adventures is subject to WAC 480-30-096, which requires auto transportation companies to file certain documents in its application to the Commission.
- 14 (6) Under WAC 480-07-110(1) the Commission may grant an exemption from filing requirements if doing so is consistent with the public interest, applicable rules, and underlying statutes.
- 15 (7) The Company has demonstrated that its requested exemption from WAC 480-30-096 meets the criteria set out in WAC 480-07-011(1).
- 16 (8) This matter came before the Commission at its regularly scheduled meeting on February 25, 2021.
- 17 (9) After reviewing the Petition filed in Docket TC-210033 by Northwest Paragliding Adventures on January 21, 2021, and giving due consideration, the Commission finds that granting the request for forbearance from rate and service regulation, and granting a corresponding exemption from WAC 480-30-096(3)(c), (d), (f) and (g), is in the public interest and is consistent with the purposes underlying regulation and applicable statutes. Accordingly, the Petition should be granted.

## ORDER

### THE COMMISSION ORDERS:

- 18 (1) Northwest Paragliding Adventures LLC' request for forbearance from rate and service regulation under RCW 81.68.015 is granted.
- 19 (2) Northwest Paragliding Adventures LLC's Petition for Exemption from WAC 480-30-096(3)(c), (d), (f) and (g) is granted.
- 20 (3) Northwest Paragliding Adventures LLC must maintain its charter and excursion permit in good standing with the Commission.
- 21 (4) The Commission retains jurisdiction over the subject matter and Northwest Paragliding Adventures LLC to effectuate the provisions of this Order.

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 February 25, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON  
Executive Director and Secretary