

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

JORDAN JAMES HEAD d/b/a LOOP
CONNECTOR

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-220036

ORDER 01

GRANTING FORBEARANCE
FROM RATE AND SERVICE
REGULATION AS AN AUTO
TRANSPORTATION COMPANY
AND EXEMPTION FROM RULE

BACKGROUND

- 1 On January 18, 2022, Jordan James Head d/b/a Loop Connector (Loop Connector 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 hikers on the Enchantments traverse between the Snow Lake trailhead to the Stuart Lake trailhead solely for recreational purposes as a non-essential transportation service. The Company's customers are exclusively hikers beginning or completing this trail.
- 3 RCW 81.68.015 excludes from rate and service regulation passenger carrier service that 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.
- 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).

8 The application appeared on the January 18, 2022, application docket. Interested parties were notified of the application to give them an opportunity to express their views. The application was not protested.

DISCUSSION

9 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.

10 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. We agree with Staff that the Company's request for an exemption from the application requirements set out in WAC 480-30-096(3)(c), (d), (f) and (g) is reasonable because the information required by these subsections is not necessary to evaluate the Company's request. Accordingly, we grant the petition for exemption.

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.

12 (2) Loop Connector is applying for authority and once authorized will be subject to Commission jurisdiction.

- 13 (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.
- 14 (4) The Company's proposed service for the Enchantments traverse between the Snow Lake trailhead to the Stuart Lake trailhead does not serve an essential transportation service, is solely for recreation, and will not adversely affect the operations of an auto transportation certificate holder.
- 15 (5) The Company is subject to WAC 480-30-096, which requires auto transportation companies to file certain documents in its application to the Commission.
- 16 (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.
- 17 (7) The Company has demonstrated that its requested exemption from WAC 480-30-096 meets the criteria set out in WAC 480-07-110(1).
- 18 (8) This matter came before the Commission at its regularly scheduled meeting on February 24, 2022.
- 19 (9) After review of the Petition filed in Docket TC-220036 by Loop Connector on January 18, 2022, and giving due consideration, the Commission finds that granting the request for forbearance from rate and service regulation, and 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.
- 20 (10) Staff's determination and the Commission's review neither approves nor disapproves the reasonableness of any fees, charges, rates, purchase price, or accounting allocations.

ORDER

THE COMMISSION ORDERS:

- 21 (1) Jordan James Head d/b/a Loop Connector's request for forbearance from rate and
service regulation under RCW 81.68.015 is granted.
- 22 (2) Jordan James Head d/b/a Loop Connector is exempted from complying with the
requirements of WAC 480-30-096(3)(c), (d), (f), and (g) for the purposes of the
petition filed in this docket.
- 23 (3) Upon completion of all other application requirements and authority is granted,
Jordan James Head d/b/a Loop Connector must maintain its charter and excursion
permit in good standing with the Commission.
- 24 (4) The Commission retains jurisdiction over the subject matter and Jordan James
Head d/b/a Loop Connector to effectuate the provisions of this Order.
- 25 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 24, 2022

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary