

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TC-201015
PACIFIC NORTHWEST DISTRIBUTING LLC, d/b/a VASHON SHUTTLE,	ORDER 01
Relating to Temporary Discontinuance of Service Authorized by Certificate of Convenience and Necessity No. C-001047	GRANTING PARTIAL EXEMPTION FROM RULE; TEMPORARY DISCONTINUANCE OF SERVICE

**BACKGROUND**

- 1 On December 18, 2020, Pacific Northwest Distributing LLC, d/b/a Vashon Shuttle, (Pacific Northwest Distributing or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition to temporarily discontinue its auto transportation operations authorized under certificate of public convenience and necessity C-001047 (Petition). Subsequent to this request, the Company’s charter certificate (CH-000359) and excursion certificate (ES-000135) were voluntarily cancelled in dockets TE-200997 and TE-210007, respectively.
- 2 In its Petition, the Company states that it could not sustain operations due to the COVID-19 Pandemic. On January 14, 2021, the Company provided further clarification that no requests for service have been made in the past 11 months, and that the costs of maintaining insurance coverage created a financial hardship for the Company and its owner.
- 3 On December 16, 2020, the Commission received notice from the Company’s insurance company that its vehicle liability and property damage insurance would expire on January 20, 2021, unless proof of insurance was filed. Insurance was not submitted, therefore, on January 21, 2021, in Docket TC-210039, the Commission notified the Company that its auto transportation certificate is suspended for 30 days pending the outcome of this request to temporarily discontinue service or until the Company submits acceptable proof of insurance.
- 4 Washington Administrative Code (WAC) 480-30-186(2)(a) requires an auto transportation company seeking discontinuation of service (temporarily or permanent) to receive approval from the Commission. Among other requirements, it must also provide 30-day written notice regarding the discontinuation of service to affected customers, and officials in counties and cities where customers reside.

5 The Company notified the Commission that the following notifications had been made to 425 customers and officials with valid email addresses and phone numbers in the areas served by certificate of public convenience and necessity No. C-001047:

- (a) On December 9 and 10, 2020, a mass-marketing mailing was sent via Square Marketing.
- (b) On December 15, 2020, an email notification was sent.
- (c) On December 20 and 21, 2020, a pre-recorded message was sent by a voice-over-internet-protocol line.
- (d) On December 27, 2020, the Company's website was updated and a notice of suspension of service was posted.
- (e) On January 19, 2021, the Company followed up with the Port of Seattle.

6 Thus, the Company has met each of the notice requirements except the 30-day notice to officials in counties and cities where customers reside.

7 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.

8 The Company plans to resume operations on March 15, 2021. Staff believes there is a high likelihood that this date may be extended due to the conditions associated with the ongoing pandemic. Staff's recommendation is that the Company file with the Commission a revised date should the Company be unable to resume operations by March 15, 2021.

9 Staff reviewed Pacific Northwest Distributing's Petition for temporary discontinuance of service and recommends that the Company's Petition be granted. In light of the fact that the Company has not been operating for many months due to the pandemic, Commission staff (Staff) recommends the Commission grant a partial exemption from WAC 480-30-186(2)(a), specifically, the need to provide 30-day written notice regarding the discontinuation of service to officials in counties and cities where customers reside. Staff supports the Company's request to temporarily discontinue auto transportation operations for the following reasons:

- (a) As with many industries within the state of Washington, Pacific Northwest Distributing has been severely impacted by the COVID-19 pandemic.
- (b) By the Company's admission, it cannot afford to operate at this time.
- (c) The Company has taken all but one of the steps to comply with the requirements of WAC 480-30-186(2)(a).
- (d) Staff has received no customer complaints or comments in response to the various notices issued.

### DISCUSSION

10 We grant Pacific Northwest Distributing's Petition and approve the temporary discontinuance of service under certificate of public convenience and necessity C-001047. The COVID-19 pandemic has severely limited travel and thus drastically altered economic conditions for regulated passenger transportation companies. In light of these adverse circumstances, the Commission finds that it is consistent with the public interest that the Company be allowed to temporarily discontinue providing regulated auto transportation service.

11 We also grant the request for a partial exemption from WAC 480-30-186(2)(a), which requires the Company to provide at least 30 days' written notice of discontinuation of service to 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. The Company has already taken steps to notify customers, the Port of Seattle, and other affected persons of its temporary discontinuation of service. This limited exemption from the notification requirements of WAC 480-30-186(2)(a) is consistent with the public interest.

### FINDINGS AND CONCLUSIONS

12 (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.

- 13 (2) Pacific Northwest Distributing is an auto transportation company subject to Commission jurisdiction.
- 14 (3) Under WAC 480-30-186(2), 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.
- 15 (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.
- 16 (5) This matter came before the Commission at its regularly scheduled meeting on February 11, 2021.
- 17 (6) After reviewing Pacific Northwest Distributing's Petition filed in Docket TC-201015 and giving due consideration to all relevant matters and for good cause shown, the Commission finds that the Petition should be granted and further, that granting a partial exemption from WAC 480-30-186(2)(a) is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

## ORDER

### THE COMMISSION ORDERS:

- 18 (1) Pacific Northwest Distributing LLC's, d/b/a Vashon Shuttle, Petition to temporarily discontinue auto transportation service authorized by certificate of public convenience and necessity C-001047 is granted.
- 19 (2) Pacific Northwest Distributing LLC's, d/b/a Vashon Shuttle, requested partial exemption from WAC 480-30-186(2)(a) is granted.
- 20 (3) Pacific Northwest Distributing LLC, d/b/a Vashon Shuttle, must temporarily cease all operations associated with certificate C-001047.

- 21 (4) Pacific Northwest Distributing LLC, d/b/a Vashon Shuttle, must file with the Commission a notice of intent to resume services associated with certificate of public convenience and necessity C-001047 as well as appropriate proof-of-insurance as required under WAC 480-30-191 prior to resuming passenger transportation operations. If Pacific Northwest Distributing LLC, d/b/a Vashon Shuttle, is unable to resume services on March 15, 2021, Pacific Northwest Distributing LLC, d/b/a Vashon Shuttle, must file with the Commission a revised date of resumption of operations.
- 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 11, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON  
Executive Director and Secretary