

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re the Application of)	DOCKET TC-143691
)	
SPEEDISHUTTLE WASHINGTON,)	
LLC d/b/a SPEEDISHUTTLE)	ORDER 03
SEATTLE)	
)	
For a Certificate of Public Convenience)	ORDER DENYING STAFF’S
and Necessity to Operate Motor)	MOTION TO STRIKE PETITION
Vehicles in Furnishing Passenger and)	FOR ADMINISTRATIVE
Express Service as an Auto)	REVIEW
Transportation Company)	
.....)	

BACKGROUND

- 1 On October 10, 2014, Speedishuttle Washington, LLC d/b/a Speedishuttle Seattle (Speedishuttle or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application for a certificate of public convenience and necessity to operate as an auto transportation company (Application).
- 2 On November 12, 2014, Shuttle Express, Inc. (Shuttle Express) filed a letter objecting to the Application on the grounds that the Applicant seeks to provide the same service Shuttle Express currently provides. On November 20, 2014, Pacific Northwest Transportation Services, Inc. d/b/a Capital Aeroporter Shuttle (Capital Aeroporter) also filed an objection.
- 3 On January 12, 2015, the Commission conducted a brief adjudicative proceeding at the Commission’s offices in Olympia, Washington, before Administrative Law Judge Rayne Pearson. On January 22, 2015, the Commission issued Order 02, Initial Order Overruling Objections to New Authority.
- 4 On February 9, 2015, Shuttle Express filed a Motion to Reopen the Record and Petition for Administrative Review. On February 10, 2015, both Shuttle Express and Capital Aeroporter filed Petitions for Administrative Review.

5 On February 12, 2015, the Commission issued a Notice of Opportunity to Respond to Motion and Petitions by February 23, 2015.

6 On February 13, 2015, Commission Staff (Staff) filed a Motion to Strike Shuttle Express's Petition for Administrative Review and Response to Shuttle Express's Motion to Reopen the Record (Staff's Motion). Here, we address only Staff's Motion to Strike Shuttle Express's Petition for Administrative Review.

7 Staff argues in its Motion that the Commission cannot resolve a petition for administrative review while a motion to reopen the record is pending because a petition for review requires a closed record. Staff requests the Commission strike Shuttle Express's Petition for Review on the grounds that Commission rules do not permit Shuttle Express to simultaneously move to reopen the record and petition for administrative review.

DISCUSSION AND DECISION

8 Washington Administrative Code (WAC) 480-07-825(1) provides that a petition for administrative review may be filed by "a party who wishes to challenge any finding of fact, conclusion of law, remedy or result proposed by an initial order." WAC 480-07-830 provides that a motion to reopen the record may be made "at any time after the close of the record and before the entry of a final order." Neither rule precludes a party from simultaneously filing both a motion to reopen the record and a petition for administrative review, both of which are expressly permitted at any point during the twenty-day period before an order becomes final.

9 Accordingly, we deny Staff's Motion. The Commission will consider Shuttle Express's Motion to Reopen the Record concurrently with the petitions for administrative review. As provided in the Notice issued on February 12, 2015, the parties may respond to Shuttle Express's Motion to Reopen the Record and Petitions for Administrative Review, and Capital Aeroporter's Petition for Administrative Review, by filing a written response with the Commission no later than February 23, 2015.

ORDER

THE COMMISSION ORDERS That Commission Staff's Motion to Strike Petition for Administrative Review is DENIED.

Dated at Olympia, Washington, and effective February 19, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY KOPTA
Administrative Law Judge