

Appendix A

Docket No. TC-020497 Adopting Rules for Passenger Transportation Companies Summary of Comments with Commission Response

WAC 480-30-036 Definitions.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>"Cancellation" means:</p> <p>(a) An act by the commission to terminate a company's charter and excursion carrier certificate or a company's auto transportation certificate; or</p> <p>(b) An act by an auto transportation company to discontinue the application of a tariff, a tariff supplement, or a tariff item.</p> <p>(c) <u>An act by a customer to terminate a reservation either through affirmative action or passive action. ex. no-show</u> <i>This term is used in Passenger Rules and Tariffs regarding acts by passengers and should be included in this section for clarity. Please add this definition.</i></p>	<p>Rejected. The proposed rule was not revised as suggested. "Cancellation" is not defined in the proposed rules because the term, as it is used in the chapter, retains its general meaning and no additional definition is needed. A company may use additional meaning by defining the term in its individual tariff or time schedule.</p>
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>"Door-to-door service" means an auto transportation company service provided between a location identified by the passenger and a point specifically named by the company in its filed tariff and time schedule. <u>Door-to-door service is a separate and distinct service from scheduled airporter service.</u></p> <p><i>These two service types are mutually exclusive in the type of service that they provide and the customers that they serve. A distinction should be clearly articulated within this definition just as it has for premium and direct service.</i></p>	<p>Rejected. The proposed rule was not revised as suggested. Door-to-door service is not limited to airporters. A company with authority to serve between named points may provide both door-to-door and scheduled service. Some companies combine the services.</p>
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>"Contract carrier" means a person holding a certificate issued by the commission authorizing transportation of passengers under special and individual contracts or agreements.</p> <p><i>What type of certificate is the Commission authorized to issue for special or individual contracts or agreements? Please advise.</i></p>	<p>No revision was suggested. The commission issues certificates of public convenience and necessity to auto transportation companies that may have authority limited to contract service.</p>
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>"Ticket agent agreements" means a signed agreement between an auto transportation company and a second party <u>other than a licensed travel agent</u> in which the second party agrees, for compensation, to sell tickets to passengers on behalf of the auto transportation company. See WAC 480-30-391.</p> <p><i>Under the current wording, we will need specific, approved contracts with each travel agent around the county that we might do business with. It is industry standard to pay a commission on travel sales to travel agents and they are internal agreements that may be written or oral and are of no concern to the public or the Commission. They are a simple marketing expense understood in all other facets of the travel industry, of which we are an integral part.</i></p>	<p>Rejected. The proposed rule was not revised as suggested. The definition accurately describes "Ticket Agent Agreements." Companies are not required to file every agreement. The form of the agreement, including the terms and amount of discount offered, must be filed and approved. RCW 81.28.080 allows free or reduced service to agents, but to avoid undue discrimination discounts must be available to any qualified agent under like circumstances.</p>

WAC 480-30-071 Reporting Requirements.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>(2) Charter and excursion carrier annual safety reports. An annual safety report is a summary of motor vehicle and safety operating information that each charter and excursion carrier is required to file with the commission.</p> <p>(a) Each year the commission provides an annual safety report form and instructions to each company at its address of record. Failure to receive the form does not relieve a company of its obligation to complete and file its annual safety report. A company that does not receive an annual safety report form must contact the commission to obtain a copy of the form.</p> <p>(b) A company must file a complete, accurate annual safety report showing all requested information by December 31 <u>February 1</u> of the year following the <u>reporting year</u>. Information provided on the annual safety report must agree with source documents maintained at company offices.</p> <p>(c) The commission may grant an extension of time allowing the company to file its annual safety report after the December 31 <u>February 1</u> due date if the commission receives a request for extension before December 31 <u>February 1</u>.</p> <p><i>Operators cannot provide data through December 31 if they are required to report as of that date. Please adjust the dates to one more realistic.</i></p>	<p>Rejected. The proposed rule was not revised as suggested. The charter and excursion carrier safety report is an annual “to-date” summary that a company must file with its regulatory fee payment form. RCW 81.70.350 requires charter and excursion carriers to pay regulatory fees by December 31 of each year. Changing the safety report due date would require an additional filing.</p>
WAC 480-30-136 Certificates, application hearings, auto transportation company.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>(4) If an applicant requests a certificate or extension of certificate to operate in a territory already served by another certificate holder, the applicant must also show that the existing transportation company or companies will <u>does</u> not provide service in that territory to the satisfaction of the commission.</p> <p><i>The Commission has Always held that once an application is filed by an applicant to provide service in an area already authorized but not served by another company or not served to the satisfaction of the Commission, that company may not expand service into that area or enhance service in that area in an effort to comply with the terms of its authority after the fact. Any enhancements of this nature have been disregarded in the application process and hearings. To change the wording to <u>will</u> implies that an existing company can change its operation after the filing of an application by another party claiming that it will now begin providing</i></p>	<p>Rejected. The proposed rule was not revised as suggested. The word “will” in the proposed rule mirrors the language of RCW 81.68.040. When determining if an existing company “will” provide service to the satisfaction of the commission, the commission does not consider service improvements made by the existing company after a competing application of authority is filed. The commission considers factors presented by the parties, including “population density” and “economic impact,” when determining whether to grant an application for authority to provide service in a territory</p>

	<p><i>satisfactory service to effectively block any new applicants. This is critical wording.</i></p> <p>(4)</p> <p>(d) Whether the population density warrants additional facilities or transportation.</p> <p>(e) The topography, character, and condition of the territory into which the proposed services are to be introduced, and the proposed territory's relation to the nearest territory through which transportation service is already provided.</p> <p>(f) Whether a grant of the requested authority and the resulting increased competition will benefit the public.</p> <p><i>(d) The Commission offers no parameters for determination of adequate population density which will then leave the door open to prolonged legal interpretation with subsequent additional financial burdens being placed upon the applicant. If the Commission is going to make this a requirement, narrow its scope to preclude frivolous and expensive challenges. Second, the only reason to consider population density is to determine the economic impact on an existing carrier. As economic impact on an existing operator is not a consideration of the Commission, this section has no application and is irrelevant.</i></p> <p><i>(e) If a territory is unserved, regardless of topography or whether or not it is contiguous or near another territory is not and never has been a consideration of the Commission in the application process. If a territory is unserved, then it must perform, be open to entry by an applicant.</i></p> <p><i>(f) Competition within an area is only permitted if the existing operator is not serving to the satisfaction of the Commission. Economic impact on an existing company by the entrance of a new company has been specifically excluded from the application process. Competition in an underserved or poorly served market place is always to the benefit of the consumer. If one company cannot survive because of the competition then that is proof that the existing company was not performing to the satisfaction of the consumer or Commission.</i></p>	<p>already served by an existing certificate holder. The proposed rule identifies factors the commission “may” consider.</p>
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WAC 480-30-146 Certificates, name change.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>(1) A company must file a name change application under the provisions of WAC 480-30-096 to:</p> <p>(3) If a name change results from a change in ownership, including addition or deletion of a partner, the company must file an application to transfer the certificate according to the provisions of WAC 480-30-141.</p> <p><i>I want to be very clear here that a Partnership is a legal entity and if no name change is effected with the addition or deletion of a partner this section will not apply. This issue was resolved with the recent application of Feet Wet Partners, LLC, (Doc 050443) (Also see 480-80-133) Please Comment.</i></p>	<p>No revision was suggested. However, paragraph (3) of the proposed rule was revised to remove the phrase “addition or deletion of partners.” The proposed rule addresses “name changes” that result from a change in ownership. If there is no “name change” then the proposed rule does not apply. If there is a change of ownership then the provisions of WAC 480-30-141 apply. The reference to adding or deleting partners was included to help clarify the requirement. Revising the proposed rule to remove the reference to adding or deleting partners to eliminate confusion does not affect the rule’s purpose or intent.</p> <p>WAC 480-80-133 applies to utility companies under Title 80 not transportation companies under Title 81. Proposed rule WAC 480-30-376 requires a tariff adoption or new tariff when an auto transportation company changes its name or transfers its certificate.</p>
WAC 480-30-196 Insurance cancellation.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>If a company's insurance filing is canceled, and a new filing that provides continuous coverage is not filed before the cancellation effective date, the commission may:</p> <p>(1) Dismiss a company's application for a certificate;</p> <p>(2)(1) Suspend or cancel a company's certificate under the provisions of WAC 480-30-171. <i>The Commission has never required that insurance filings be made while an application is pending or as part of the initial application filing. It has always been the established procedure to require a proper filing and coverage after the final order granting the application but prior to issuing the certificate. This section implies</i></p>	<p>Accepted in part. Paragraph (1) of the proposed rule was revised to more accurately reflect the commission’s current policy by stating that the commission may “(1) <u>Withhold issuance of a certificate or dismiss</u> Dismiss a company’s application for a certificate”. Proof of insurance is required before the commission will issue a “certificate.” When the insurance filing is required depends on whether the application goes to hearing or not.</p>

	<p><i>that coverage must be in place during the application process prior to the final order. This would place a real financial burden on applicants and cannot be the intention of the Commission. Please delete this section in order to bring it in line with actual practice and sound economics.</i></p>	<p><u>Hearing:</u> When an application goes to hearing, the commission’s order “granting” the authority and subsequent “issuing” of a certificate are two separate actions. In this case, the commission does not require insurance until after it has issued an order granting the application but insurance must be received before a certificate is issued.</p> <p><u>No Hearing:</u> When an application does not go to hearing, the commission issues a single order that both grants the authority and issues the certificate in a single action. Therefore, the company must file insurance prior to the commission issuing an order to grant the application.</p>
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WAC 480-30-216 Operation of motor vehicles, general.

Stakeholder	Written Comment	Commission Response
<p>Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle</p>	<p>(7) Smoking on motor vehicles. (b) Each auto transportation company must post signs in its vehicles informing passengers that smoking is not permitted.</p> <p><i>Smoking has been banned for years by statute on regulated vehicles. The public clearly understands that smoking is not permitted in these public indoor situations. We are not currently required this posting and smoking is and has not been a problem. We cannot cite one example of a passenger attempting to smoke on one of our vehicles. Additionally, it is now state law, RCW, that smoking is banned in ALL public places. This new section addresses an issue that does not exist. This section imposes an additional administrative and economic burden on the operators to no purpose. If in the final analysis, we are required to actually post all of the notices required under this draft in our vehicles, we will find ourselves in the untenable position of not having enough surfaces on which to affect the postings. We will look like some cheap transit bus with all their advertising placards on every surface, hardly the “Premium” service that we now provide. Please consider the need for and consequences of these new sections before proposing them.</i></p>	<p>Rejected. The proposed rule was not revised as suggested. Posting of no smoking signs is a requirement of current rule and is also a requirement of RCW 70.160.050.</p>

WAC 480-30-241 Commission compliance policy.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>(1) The commission is authorized to administer and enforce laws and rules relating to passenger transportation companies. The commission may delegate authority to the commission staff to inspect equipment, drivers, records, files, accounts, books, and documents. The commission may also delegate to its staff authority to place vehicles and drivers out-of-service and to arrest without warrant, or issue citations to any person found violating this chapter in the presence of its staff as provided under RCW 81.04.460 <u>RCW 80.04.470</u>.</p> <p><i>RCW 81.04.460 is not the applicable statute. As stated in our comments under the CR-101, we are very uncomfortable with this section. First RCW 81.04.470 provides It shall be the duty of the commission to enforce the provisions of this title and all other acts of this state affecting public service companies, the enforcement of which is not specifically vested in some other officer or tribunal. We believe the WSP has full enforcement authority here and therefore no delegation is authorized. If this is not the case, then anyone delegated by the Commission must be designated in writing and meet the qualifications of a peace officer with arrest authority within the State of Washington, which are clearly defined within the body of RCW. Anyone who has been delegated and meets all of the qualification should be clearly identified by the Commission to the operators.</i></p> <p>It shall be the duty of the commission to enforce the provisions of this title and all other acts of this state affecting public service companies, the <u>enforcement of which is not specifically vested in some other officer or tribunal</u>.</p> <p><i>Further, Proposed <u>NEW SECTION -246</u> recognizes that “other law enforcement agency(s)” already have the same powers which this section seeks to confer.</i></p> <p>WAC 480-30-246 Sanctions for operating without a valid certificate. (1) Operating without a certificate. (a) If a representative of the commission or other law enforcement agency observes a company operating as a passenger transportation company without a certificate from the commission, that company is subject to a gross misdemeanor citation, for which the company must appear in court.</p>	<p>Rejected. The proposed rule was not revised as suggested. RCW 81.04.060 is the transportation statute. By RCW 81.04.060 the commission is directed to enforce the provisions of Title 81, and any other chapter that is not specifically vested in some other officer or tribunal. WSP and other law enforcement agencies may also hold some authority to enforce the provisions of Title 81 but that does not change the commission’s authority.</p> <p>The commission issues a badge, Washington State uniform arrest citation book, commission identification card that states the employee holds arrest authority.</p>

WAC 480-30-291 Tariffs, rates fares, general; WAC 480-30-311 Tariffs and time schedules, requiring thirty calendar day notice to the commission; WAC 480-30-316 Tariffs and time schedules, customer notice requirements; and WAC 480-30-366 Tariffs and time schedules, supplements.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>"Rate" means an amount in a company's tariff approved by the commission or allowed to become effective by operation of law, for services provided by an auto transportation company. For example: Passenger fares, ticket prices, additional baggage charges.</p> <p><i>I'm not going to flog this issue to death here as a CR-101 has been issued for the reform of "rates". However, I do not understand the tenaciousness that the Commission exhibits here with regard to retaining the misapplied term "rates". I am encouraged that in some instances it has been replaced, at long last, with the appropriate term "fares". There still exists scattered throughout the code at random, however, "rates". Once again, we ARE NOT a utility with RATE payers, we are in the travel industry, and our customers pay us "fares". We must end this notion of airporters as a utility with all its negative ramifications.</i></p>	<p>Rejected. The proposed rule was not revised as suggested. Title 81 applies to transportation companies. Public service company is defined in RCW 81.04.010. The commission regulates the rates of transportation companies, including auto transportation companies, as public service companies, under Title 81 of the RCW. There are many references to "rates" in Title 81. "Rates" subject to commission regulation include more than just passenger fares.</p>
WAC 480-30-316 Tariffs and time schedules, customer notice requirements.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>(2) Thirty-day notice to public. At least thirty days prior to the stated effective date, the company must post a notice in a conspicuous place for each affected route or routes. The published notice must remain posted until the commission takes action on the request. The notice must be posted:</p> <ul style="list-style-type: none"> (a) In each vehicle; (b) At each passenger facility; and (c) On the internet, if the company maintains an internet web site accessible to the public through which it sells its transportation services, posts its rates, or time schedules. <p><i>The posting will be in the vehicle(s) and at each passenger facility. Updating a WEB SITE with a notice, which would be in addition to the normal schedule and fare previews that we post, creates an economic burden imposed only on those operators who maintain a WEB SITE. This is discriminatory. WEB SITES already contain far more information than most consumers would like. They are in general cluttered. To add yet more information that is already available at the passenger facilities, in the vehicles and on the WUTC web site is over kill. Enough already.</i></p>	<p>Rejected. However, paragraph (2)(c) of the proposed rule was revised to clarify that a company must post its notice on the company's internet web site, if the company maintains an internet web site accessible to the public through which it sells its transportation services, posts its rates, or posts its time schedules. There is no issue of discrimination. A passenger facility is defined in WAC 480-30-036 as a location at which the company maintains an employee and sells tickets. If a company chooses to post its rates and schedule or sell its transportation services through an internet web site, then it is appropriate that the notice of changes in those rates and schedules also be available through that same web site.</p>

WAC 480-30-321 Tariffs and time schedules, notice verification, and assistance.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>NEW SECTION WAC 480-30-321 Tariffs and time schedules, notice verification and assistance. (1) Within five days of making a filing requiring posting of a customer notice under WAC 480-30-316, but no sooner than the date the filing is submitted to the commission, a company must file a statement with the commission's records center that the required notice has been posted. The declaration must include:</p> <ul style="list-style-type: none"> — (a) Description of where the notice was posted; — (b) Date the notice was posted; and — (c) A copy of the customer notice. <p>(2) A company may request assistance from the commission's consumer affairs section in preparing notice.</p> <p><i>WUTC or Department of Redundancy Department Department? Just how many times do we need to post and notify on the same issue? In section -316 we are required to post notice and the content of that notice is very clearly specified. Sections -241 and -246 mandate compliance with the Commission's rules and penalties for non-compliance to which all operators have subscribed by virtue of accepting their authority from the Commission. Now comes section -321 which requires us to provide documentation that we have done that to which we have already agreed. If we are required to notify the Commission every time we do something that we are required to do, we won't have time to operate our business. I doubt that the Senate and House Transportation Committees or the Governor for that matter would see any merit in this provision. It is just a "make work" provision. Who is to pay for all of this? Delete 480-30-321 in its entirety.</i></p>	<p>Rejected. The proposed rule was not revised as suggested. The fact that something is required doesn't mean the commission shouldn't require a company to verify it has complied. Including the notice information with a rate filing ensures the formal record is complete.</p>
WAC 480-30-326 Tariffs and time schedules, less than statutory notice handling.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>(4) Notice requirements. An auto transportation company requesting LSN handling of a filing must post notice in its offices, passenger facilities, and on all vehicles concurrent with submitting the filing to the commission. The company must file a copy of its public notice with the application for LSN-handling.</p> <p><i>The LSN process is most commonly use for fuel surcharges. These are produced as often as every two weeks. They are merely a request to shorten the statutory period for notice and are routinely granted on the consent agenda without public comment. The</i></p>	<p>Rejected. The proposed rule was not revised as suggested. The proposed rule reflects current requirements for LSN handling of filings. Customers may not know what LSN means, but they do know what a rate increase is. An LSN filing is a "rate increase" filing that is handled on a "Less than statutory notice" basis. LSN filings are not just limited to fuel surcharges.</p>

	<p><i>Commission seems to think we are some kind of rolling kiosk that exists only to be a public display of arcane documents. The public is not served in any fashion by this section. If in some very unusual circumstance a customer wanted to see a LSN, they are already available at numerous other locations and through the Commission. Not one in ten thousand customers even knows what an LSN is and for those very few customers who know what an LSN is, they will have the expertise and knowledge to obtain a copy through the normal historical sources. Please, if you are going to make changes, make them meaningful and not frivolous, redundant and detrimental to the traveling experience and company economics. We have waited four years for this re-write, don't waste this opportunity with this type of senseless language.</i></p>	
<p>WAC 480-30-356 Tariffs and time schedules, tariff rules.</p>		
Stakeholder	Written Comment	Commission Response
<p>Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle</p>	<p>(c) Transportation of animals. Rules must state that service animals, such as dogs traveling with sight or hearing impaired passengers, will be transported free of charge if they lie at the feet of their master and do not occupy passenger seats.</p> <p><i>We cannot be required to accommodate guide horses, guide pigs or guide llamas. We operate limited capacity vehicles with no provision for bizarre animals. We have physical space limitations. The general public is accustomed to guide dogs but cannot be expected to travel with other such animals. This requirement must be limited to dogs. There is no room for compromise here.</i></p>	<p>Rejected. The proposed rule was not revised as suggested. The proposed rule requires companies to state in their tariffs that service animals travel at no charge. Service animals and accommodations that privately-owned businesses serving the public must offer to disabled persons and their service animals are established in federal law as part of the Americans with Disabilities Act (ADA). Concerns about service horses, pigs, llamas, etc. would be a matter of federal law best addressed through the US Department of Justice.</p>
<p>Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle</p>	<p>(d) Refunds for unused and partially used tickets. (i) Rules must state, "Unused tickets will be redeemed at the purchase price. Unused portions of round-trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used, and refunding the balance of the purchase price."</p> <p><i>This section still has not been addressed by the Commission and needs to be done so here. Section - 266(1) removes WAC 480-149 from consideration or application to auto transportation companies, however, this bit of language is imported from it. It creates a false impression for the consumer. There are many instances where a ticket is not refundable, (see ex. in Sec (3)(d)(ii),(iii). This creates confusion for the consumer and wastes staff and company time in producing tariffs</i></p>	<p>Accepted in part. Paragraph (3) (d) (i) of the proposed rule was revised to acknowledge the allowed exceptions to a full ticket refund. The proposed rule allows a company to assess a fee if there is a cost associated with changing a reservation and provides exceptions for refund of tickets when a reservation has been made and the passenger fails to cancel the reservation, change the reservation, or appear at the designated pick-up point by the scheduled departure time.</p>

	<p><i>that have to deal with this language. At the very least this section must include language that clearly states to the consumer that under certain circumstances, fares are not refundable. We suggest the following language:</i></p> <p><u>"Unused tickets will be redeemed at the purchase price when qualified under the company's rules. In such cases unused portions of round-trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used, and refunding the balance of the purchase price less any applicable administrative fees."</u></p> <p>or more simply;</p> <p>(d) Refunds for unused and partially used tickets. (i) Rules must state, "<u>Tickets that qualify for a refund</u> tickets will be redeemed at the purchase price. Unused portions of round-trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used, and refunding the balance of the purchase price."</p> <p><i>If it is the Commission's intention that refunds will be issued under all circumstances, which is what this section states, make that very clear to the operators as this would be an absolutely unacceptable restriction on the industry. See RCW 81.28.080, it speaks for its self ; <u>nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified excepting upon order of the commission as hereinafter provided....</u></i></p> <p><i>The legislature clearly did not intend for transportation companies to be required to issue refunds on a broad basis.</i></p>	
<p>Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle</p>	<p>(d) Refunds for unused and partially used tickets.</p> <p>(iii) A customer who has made a door to door reservation but fails to appear at the designated pick-up point by the scheduled departure time is not eligible for a refund unless the failure was caused by an airline delay or cancellation.</p> <p>RCW 81.28.080 Published rates to be charged — Exceptions. No common carrier shall charge, demand, collect or receive a greater or less or different compensation for transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; <u>nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified excepting upon order of the commission as hereinafter provided....</u></p>	<p>Accepted in part. The proposed rule was revised to provide an exception to the refund of tickets when a reservation has been made and the passenger fails to cancel the reservation, change the reservation, or appear at the designated pick-up point by the scheduled departure time.</p> <p>RCW 81.28.080 does not address refunds for "unused" tickets. It addresses refunds or rebates that result in free or reduced rates for service provided.</p>

	<p><i>The above speaks for its self. The legislature clearly did not intend for transportation companies to be required to issue refunds on a broad basis. As has already been acknowledged in sec (d)(ii) of -356, “Door-to-Door” and “By reservation only” are faced with the same reservation seating limitations and expenses. Neither of these types of operations send shuttles to passenger locations unless there is a reservation for that location. The “By reservation only” operators must be included along with the “Door to Door” operators in this section. To exclude them from reference here would imply that if a “By reservation only” passenger caused a shuttle to be dispatched to his location and he failed to show, we would still have to refund his fare. We will have incurred the full cost of the shuttle trip for a reserved seat that we would not otherwise be able to sell and have no recovery. This loss must then be passed on to our other customers, an unfair, inequitable and economically unviable situation. Remember, if we have but one reservation at SeaTac, we MUST still send a shuttle to Seatac to service that passenger. If that passenger is a no-show or cancels without reasonable notice we lose the entire cost of that trip. Even the carriers that are not “By reservation only” but who have reserved a seat for a passenger are being damaged here. Once they have sold that seat they cannot sell it to anyone else. You are already forcing us to pay for airline caused delays and cancellations over which we have no control and are not at fault, just how much does the Commission expect us bleed?</i></p>	
<p>Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle</p>	<p>(h) Alternate means of transport that will be provided by the company if it is unable to provide transportation to a customer <u>at the time and place specified in a reservation that the company has accepted for that passenger.</u> for whom a reservation has been accepted.</p> <p><i>This is a follow-on to section (d) above. On one hand the Commission is saying that the customer has no obligation to the company even though the company has reserved a seat for that customer to the exclusion of others and a contractual relationship exists between the two parties but the company has an absolute obligation to the customer to have a seat available. The language of this section must make it absolutely clear that the company’s obligation is for a specific reservation at a specific time and place. If the customer is not available and or does not present himself at the time and place called for in the reservation, the company shall have no further liability to that customer.</i></p>	<p>Accepted in part. The proposed rule is revised to clarify that the rules in the company’s tariff must identify “whether” the company provides alternate transportation when it has accepted a reservation and then is unable to provide the service. The proposed rule does not require a company to provide alternative transportation; it does require the company to establish rules in its tariff on the subject.</p>

WAC 480-30-381 Tariffs and time schedules, filing procedures.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<i>The Transmittal Letter via this section has essentially become a submission. It is a duplicate of the papers and documents that are required to be submitted The Transmittal Letter has been traditionally been an instrument to indicate, in a very brief format, the purpose of the attached documents, not a complete detailed explanation and line item justification for them. We would be happy to just submit a detailed Transmittal Letter and forego all of the attached documents in an effort to streamline the process. This new language just adds more work to the companies with no particular benefit to the Commission as each document attached must be reviewed, analyzed, and commented on by the Commission with or without this new expanded TL format. Who is to pay for this increased work load? We do have customers to serve, leave us a little time and man power to do so.</i>	Rejected. The proposed rule was not revised. The commission requires all companies to identify themselves and the purpose of their correspondence. A transmittal letter is not a new requirement. The proposed rule clarifies the information to be contained in the transmittal letter. It is reasonable to expect a company that files for a rate increase to know how much of an increase it is requesting and how much revenue it expects the increase to generate. The transmittal letter does not duplicate the filing documents (work papers, new tariff pages, notice).
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<i>(c) Rate increase filings. Our concern with “rates” and “rate filings” is or should be well known to the Commission. All I will state here is that the current situation is unsatisfactory and a change is long over due. We will address this issue most vigorously under the new CR-101 concerning rates.</i>	Rejected. The proposed rule was not revised.
WAC 480-30-391 Tariffs and time schedules, ticket agent agreements must be filed and approved.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<u>(3) Ticket Agent Agreements with licensed travel agents are exempt from the provisions of this section.</u> <i>See comments under: WAC 480-30-036 Definitions, general. Ticket Agent agreements, comment #4 of this document.</i>	Rejected. The proposed rule was not revised. RCW 81.28.080 allows companies to offer transportation services at free or reduced rates. “Agents” are included within that definition. A company is not required to file every travel agent commission sales agreement, but it must file and the commission must approve the “form” of any contract or agreement for an agent to sell, for a commission, tickets for an auto transportation company. The proposed rule clarifies the information required in those contracts or agreements.

WAC 480-30-396 Tariffs and time schedules, free and reduced rates.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>(2) An auto transportation company wishing to provide service at free or reduced rates must first publish those free or reduced rates <u>fares</u> in its filed tariff <u>unless those free or reduced fares are permitted by RCW 81.28.080.</u></p> <p>Published rates to be charged — Exceptions. RCW 81.28.080 No common carrier shall, directly or indirectly, issue or give any free ticket, free pass or free or reduced transportation for passengers between points within this state, except its employees and their families, surgeons and physicians and their families, its officers, agents and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals, charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of livestock, poultry, milk and fruit; to employees of sleeping car companies, express companies, and to linemen of telegraph and telephone companies; to railway mail service employees, post office inspectors, customs inspectors and immigration inspectors; to newsboys on trains; baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in accidents or wrecks and physicians and nurses attending such persons; to the National Guard of Washington when on official duty, and students going to and returning from state institutions of learning: PROVIDED, That this provision shall not be construed to prohibit the interchange of passes for the officers, attorneys, agents and employees and their families, of railroad companies, steamboat companies, express companies and sleeping car companies with other railroad companies, steamboat companies, express companies and sleeping car companies, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: AND PROVIDED, FURTHER, That this provision shall not be construed to prohibit the exchange of passes or franks for the officers, attorneys, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, attorneys, agents, employees, and their families of other telegraph, telephone or cable lines, or with railroad companies, express companies or sleeping car companies: PROVIDED, FURTHER, That the term "employee" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed or dying in the employment of a carrier, those entering or leaving its service and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed and the</p>	<p>Rejected. The proposed rule was not revised. RCW 81.28.080 does not “entitle” any group to free or reduced service, it “allows” companies to offer transportation services at free or reduced rates. If a company chooses to offer reduced rate service to any class or group of persons identified in RCW 81.28.080 then the company must file it with the commission. The interpretation of this statute since 1939 is that rates must be filed. In a 1998 declaratory ruling (TG980532) the commission required that medical waste collection service provided to nonprofit hospitals at free or reduced rates must be provided subject to a “free or reduced” rate tariff approved by the commission.</p>

	<p>surviving spouses prior to remarriage and minor children during minority, of persons who died while in the service of any such common carrier: AND PROVIDED, FURTHER, That nothing herein contained shall prevent the issuance of mileage, commutation tickets or excursion passenger tickets: AND PROVIDED, FURTHER, That nothing in this section shall be construed to prevent the issuance of free or reduced transportation by any street railroad company for mail carriers, or policemen or members of fire departments, city officers, and employees when engaged in the performance of their duties as such city employees.</p> <p><i>So do we now list all of these exclusions in our tariff? All of these persons are already permitted free or reduced passage by law. The inclusion of this required exemption in the wording of this section is the only acceptable construction short of just deleting the entire section.</i></p>	
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WAC 480-30-406 Tariffs and time schedules, withdrawing a filing.

Stakeholder	Written Comment	Commission Response
<p>Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle</p>	<p>(1) When withdrawing a tariff or time schedule filing, an auto transportation company must submit a letter that includes the following:</p> <ul style="list-style-type: none"> (a) The name and address of the auto transportation company; (b) Docket number of the filing being withdrawn; (c) The name of the company's contact person; (d) An explanation of why the company is requesting the withdrawal; and (e) A statement certifying that the submitting person has authority to withdraw the filing on behalf of the auto transportation company. <p>(2) The commission may deny withdrawal of a filing when denial is in the public interest.</p> <p><i>In light of WAC 480-80-131 (see below), sec (2) of -406 is discriminatory. The Commission has specifically permitted other regulated entities to withdraw filed tariffs without prejudice. There is a history of the Commission using filed, but not approved, tariffs as weapons against airporters. When a company files a proposed tariff, it uses the best information available to it at the time. Many variables are factored into a tariff filing and those variables may change over short time intervals. New information or interpretation may become known to the filing party which causes it to reevaluate the necessity or viability of the filing. The mere act of filing should not confer upon the Commission the right to force a company into a situation which they proposed but then find not acceptable for reasons that it alone determines subsequent to that filing but prior to approval. This language is unacceptable under any circumstances and must be removed.</i></p>	<p>Accepted. Paragraph (2) of the proposed rule was revised as suggested. There is no decision required on a withdrawal request filed prior to the commission taking action (e.g. suspension, complaint) on a filing. By removing paragraph (2) as suggested, the proposed rule focuses on the information that a company must include in its request to withdraw a filing and not on if, or when, the commission may deny the request. Revising the proposed rule does not affect the purpose of the rule or the ability of the commission to approve or deny a request.</p>

	<p>WAC 480-80-131 Withdrawing a tariff filing When withdrawing a filing, a utility must submit a letter that includes the following:</p> <ol style="list-style-type: none"> (1) The name and address of the utility; (2) Docket number; (3) Advice number, if applicable; (4) The name of the contact person for the withdrawal; (5) An explanation of why it is requesting the withdrawal; and (6) A statement certifying that the submitting person has authority to withdraw the filing on behalf of the utility. <p>[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-131, filed 5/14/02, effective 6/17/02.]</p>	
<p>WAC 480-30-421 Tariffs, general rate increase filings.</p>		
<p>Stakeholder</p>	<p>Written Comment</p>	<p>Commission Response</p>
<p>Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle</p>	<p><i>All sections concerning “rates” will be examined in comments under CR-101 Doc #061277.</i></p>	<p>No revision was suggested. The proposed rule was not revised.</p>
<p>WAC 480-30-426 Tariffs, general rate increase filings, work papers.</p>		
<p>Stakeholder</p>	<p>Written Comment</p>	<p>Commission Response</p>
<p>Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle</p>	<p>(1)(C) Ratemaking - ratemaking adjustments modify the records of the company to reflect proper ratemaking theory, such as removing expenses that were incurred by the company but are not generally allowed to be passed on to ratepayers, or converting from accelerated depreciation to straight line depreciation.</p> <p><i>The heart of the problem is with “proper rate making theory”, a term which has no fixed definition to the Commission. We are forced to deal with a “moving target” anytime we deal with the rate issue. This issue will be vigorously examined in the new proposed CR-101 inquiry into rates.</i></p>	<p>No revision was suggested. The proposed rule was not revised.</p>
<p>WAC 480-30-436 Tariffs, special or promotional fare tariff filings.</p>		
<p>Stakeholder</p>	<p>Written Comment</p>	<p>Commission Response</p>
<p>Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle</p>	<p>(1) The commission encourages auto transportation companies to explore innovative rates and rate structures including special or promotional fares intended to:</p> <p><i>The concept of promotional or special fares has been proposed, promoted and supported by airporters for quite sometime. The only problem that we have with this is the possible threat to the company by the filing of a promotional fare within a supplemental tariff. History has graphically shown us that the Commission will file complaint against a company for filing a proposed tariff. Until the code specifically permits the withdrawal of filings without the threat of complaint, this section is just so much verbiage and won’t be used by anyone. See comment#</i></p>	<p>Rejected. The proposed rule was not revised. An essential part of the commission's statutory authority (which cannot be altered by rule adopted by the commission) is that the Commission is authorized to complain against a company's rates when it believes they are other than "fair, just, reasonable, and sufficient."</p>

WAC 480-30-446 Availability of information.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>(1) Company information. A company that provides auto transportation company service must have a:</p> <p>(3) Responding to customer inquiries.</p> <p>(a) A company must respond to all nonwritten messages within twenty-four hours excluding weekends and holidays, as defined in the company's tariff.</p> <p>(b) A company must acknowledge and respond to a customer's written inquiry within two weeks of receipt.</p> <p><i>This is an appropriate business policy. I feel strongly that the Commission should adopt the same rules for its self. If not, why not? As a public/state agency you should be held to at least private industry standards if not higher and we are, after all, your customers.</i></p>	<p>Rejected. The proposed rule was not revised. The proposed rules in WAC 480-30 apply to passenger transportation companies.</p>
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>(1) Company information. A company that provides auto transportation company service must have a:</p> <p>(4) Information that must be available. A company must make the following items available to customers for inspection upon request at no charge during the company's regular business hours:</p> <p>(a) The commission's passenger transportation company rules in chapter 480-30 WAC;</p> <p>(a)(b) The company's current tariff and time schedule;</p> <p>(b)(e) The company's current certificate; and</p> <p>(c)(d) Any current, proposed, or most recently canceled tariff page that relates to the customer's service.</p> <p><i>Items (4)(b)(c)(d) are all quite reasonable and should be available for inspection by customers. However, we are not a law library, if someone wants to research WAC and transportation law they have numerous facilities available to them, not the least of which is the WUTC. In order for us to obtain copies of the WAC we rely on the WUTC, local libraries and the legislature's web site. We would not object to being required to advise those customers who inquire where they may obtain a copy of 480-30 WAC.</i></p>	<p>Rejected. The proposed rule was not revised. The commission provides copies of its rules to the companies at no charge. The proposed rule does not require the company to provide copies, interpretation, or guidance to any party; it only requires a company to allow a customer to view the rules on request.</p>

WAC 480-30-456 Fair use of customer information.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<i>We agree with this section whole heartedly. WSS is a strong advocate of customer privacy. We would like a clear explanation from the Commission however, as to why this consumer friendly provision is reversed for other regulated utilities. If this section is pro-consumer by virtue of precluding airporters from utilizing this information, it must therefore follow that placing the burden of confidentiality on the consumer through “opt-out” programs afforded other regulated industries must be anti-consumer. This bipolar logic escapes us, clarification is in order.</i>	Rejected. The proposed rule was not revised. “Fair use of customer information” as proposed in this chapter is consistent with the provisions adopted for other regulated transportation companies.
WAC 480-30-461 Service or rate complaints. (1) Company responsibility.		
Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<i>All well and good, but there is no facility what-so-ever for passenger transportation companies that have a complaint against the Commission or its staff for resolution or tracking. You take the pay, you must be accountable. The WAC has always been a one-way check valve; it’s time to show that you stand behind your work product and your staff. If issues arise, we need a mechanism to address them. It is very appropriate at this time to include language that will formalize the process for passenger transportation companies.</i>	Rejected. The proposed rule was not revised. The legislature has delegated to the commission authority to "regulate, in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging in the transportation of persons or property within this state for compensation, and related activities; including, but not limited to...auto transportation companies." RCW 80.01.040(2). RCW 81.04.110 provides that the commission may hear complaints against public service companies, including auto transportation companies. The commission is not authorized to hear complaints against itself, nor would such an arrangement make sense. An analogy is that the commission is a judge, the staff are prosecutors and law enforcement officers, and the regulated companies are citizens. If a company believes that the commission staff's prosecution of a complaint, or its advocacy in a rate proceeding is not supported by the evidence or the law, the company is provided a hearing for the purposes of making that argument to the

		<p>commission. If the company believes that the commission's decision, following that hearing, is not supported by the evidence or the law, then the company may petition the superior court for judicial review of the commission's final decision in accordance with the Administrative Procedure Act, ch. 34.05 RCW.</p>
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WAC 480-30-476 Baggage liability and claims for loss or damage.

Stakeholder	Written Comment	Commission Response
<p>Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle</p>	<p>(1) Baggage liability. An auto transportation company must include provisions in its filed tariff relating to its liability for loss or damage to baggage checked by the passenger.</p> <p><i>At the risk of being redundant I must restate all of our objections to this section as previously offered: There appear to be major problems with this section. By any measure the Commission is requiring auto transportation companies to conduct business in contradiction to RCW. By definition we would be "insurers" selling "insurance" which would require a "License" issued by the Insurance Commissioner. If companies were to comply with this section they would be in violation of RCW and subject to fines and imprisonment for committing a gross misdemeanor.</i></p> <p><i>If the Commission can put forth a reasonable and logical argument for this provision placing liability on the company then it is a good idea to define a limit on liability, but we cannot offer excess liability protection for a fee. As we have no realistic way of assessing true value of any particular piece of baggage short of inspecting and inventorying each and every piece, a liability limit of \$100 per passenger is more realistic. Airporters are generally a direct, premium service. The customer hands the baggage to the driver and it is immediately loaded on the vehicle. The reverse takes place at the termination of the route. We are not airlines with massive baggage handling systems and connecting flights with opportunities for lost or destroyed baggage. This really is not a problem with our industry. By our estimation we have transported over 100,000 pieces of baggage and have NEVER lost a single piece or had a claim for damage. This is another very minor and insignificant issue that the Commission is trying to over manage. We suggest limits of \$100 per customer (\$50 per child) and double those limits on connecting, joint or</i></p>	<p>Rejected. The proposed rule was not revised. RCW 81.29.050 requires the commission to set the liability of any common carrier for lost or damaged baggage. The proposed rule does not require companies to sell insurance or be insurers. It does establish a company's "minimum" liability for "checked baggage" and allows a customer to declare excess value, for a fee. The proposed rule affects only "checked" baggage and is modeled after federal rules for interstate passenger carriers. Declaring excess value is a common practice in the transportation industry. Ten of the 26 existing auto transportation companies currently have provisions for excess valuation in their tariffs.</p> <p>A passenger facility is defined in WAC 480-30-036 as a location at which the company maintains an employee and sells tickets. For most customers, the employee at the passenger facility and/or the bus driver is the only company representative the customer will see. It is appropriate that claim forms are available to customers from those persons.</p> <p>The proposed rule does not prohibit a company from publishing in its tariff a rate for</p>

	<p><i>through routes. We cannot sell additional insurance to the customers.</i></p> <p><i><u>Additionally</u>, we now have the issue of increasing “rates”. If by some mechanism it were possible for us to sell insurance for increased liability, how would we account for the new income? Would it affect our “rates” and the rate hearing process? Will we have to file a new tariff with a general rate increase to comply with this section? How can we possibly anticipate what the effect on our pro forma would be as we have absolutely no data to rely on in an industry that we are completely unfamiliar with? How will the Commission handle losses incurred through the payment of claims or excess claims? Who determines the true value of a claim? Who pays for the increased staffing burden? Please let us get on with our jobs, we don’t sell insurance, we don’t deliver pizzas, nor do we teach people to ice skate, we provide transportation.</i></p> <p><i>(3) Claims. Auto transportation companies must make claim forms available to their passengers upon request at each of the company’s offices, passenger facilities, and from the driver of each vehicle operated. The forms must be prepared in duplicate. The company will retain one copy. The second copy will be given to the passenger filing the claim.</i></p> <p><i>The commission has once again exhibited a propensity towards a paper work explosion. Forms at the office, forms at passenger facilities and forms on the vehicles, this is overkill. If the commission were to study the current tariffs of the existing operators they would see that most passenger facilities are hotels, convenience stores, gas stations, transit bus facilities and other such similar venues sited to be the most convenient locations for our customers.</i></p> <p><i>These do not offer unlimited space for forms and copies of other documents which are readily available from the company at its business office, the Commission or on the WEB. We have administrative staff to handle customer service issues such as these; we do not need to further burden our drivers with more forms. They need to keep our shuttles on schedule in a safe and professional manner, let them do their job and let our office staff do theirs.</i></p> <p><i>(4) Loss or damage to carry-on items. The company shall not be held responsible for loss or damage to baggage carried on board the vehicle unless it can be shown that the company was in some way negligent. Each company shall have a written policy detailing the manner in which</i></p>	<p><i>specific services instead of embedding those costs in general rates.</i></p>
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	<p>items, articles, or baggage left on board a company’s vehicles will be handled and the way in which the company will make efforts to return the articles to their rightful owners <u>and listing any fees that may be charged for this service.</u></p> <p><i>Just like “change fees” to cover administrative costs, companies must be able to apply a handling fee for processing and or returning carry-on items left onboard the company’s vehicles by customers..</i></p>	
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Summary

Stakeholder	Written Comment	Commission Response
Seatac Shuttle, LLC, d/b/a Whidbey Seatac Shuttle	<p>The current draft is an improvement over the previous draft. We are disappointed that the Commission did not address the main reason for the issuance of the CR-101 in the first place, rates. As we near the end point of this particular process of four years we strongly urge that the Commission accept the above comments in the spirit in which they are offered, as constructive changes and comments designed to clarify, simplify, streamline and make the whole process more efficient to the benefit of the consumer and the industry. We are not an essential industry; our customers have many options open to them outside of our services. We must be efficient, safe and well managed to provide a product that is attractive to the public. The WUTC should be our partner in that effort, we should be working toward that common goal, not in opposition. Let the new WAC 480-30 reflect that partnership. We, as your customers will do our part, meet us half way.</p>	No revision was suggested.

Sub-Carriers (New proposal)

Stakeholder	Written Comment	Commission Response
Shuttle Express, Inc.	<p>I would like to include the enclosed new sub-carrier proposal to be included in the upcoming proceedings to be adapted in to WAC 480-30. It is the position of Shuttle Express that this proposed WAC is consistent with and allowed under RCW 81.68.030.</p> <p>WAC 480-30-XXX Driver status The driver of a vehicle operated by an auto transportation company must be the certificate holder or under the complete supervision, direction and control of the operating carrier as:</p> <ul style="list-style-type: none"> • An employee of the certificate holder; or • An employee of a sub-carrier; or, • An independent owner-driver who holds sub-carrier charter carrier authority and is operating as a sub-carrier. <p>New definitions: SUB-CARRIER means a passenger charter carrier that</p>	Rejected. The proposed rules were not revised to include the suggested language. The sub-carrier proposal presented by Shuttle Express is draft language that staff prepared under the CR-101 for discussion and legal review. The proposal was based on a California Public Utility commission program. Legal staff advised that Chapter 81.68 RCW does not allow auto transportation companies to use sub carriers as proposed.

	<p>provides transportation services for an auto transportation company under a charter sub-carrier agreement filed with and approved by the commission.</p> <p>PRIME CARRIER means an auto transportation company that uses another carrier's (sub-carrier) vehicles and drivers to provide its authorized service under a sub-carrier agreement.</p> <p>SUB-CARRIER AGREEMENT means the written agreement under which an auto transportation company is authorized to use the transportation services of another carrier (sub-carrier) that provides both vehicles and drivers.</p> <p>WAC 480-30-xxxx Sub-carrier agreements</p> <ol style="list-style-type: none"> 1. An auto transportation company (prime carrier) may enter into a sub-carrier agreement with a passenger charter carrier (sub-carrier) to use the sub-carrier's vehicle and drivers to perform transportation services authorized under the prime carrier's certificate. 2. A sub-carrier agreement must be in writing, signed, and dated. A sub-carrier agreement must be submitted to the commission for approval prior to any service being provided. The prime carrier and the sub-carrier agreement must include, but is not limited to: <ol style="list-style-type: none"> (a) The prime-carrier name and the sub-carrier name. (b) The prime carrier auto transportation company certificate number. (c) The sub-carrier charter certificate number. (d) The effective date and expiration date of the agreement. (e) A complete description of the services to be performed. <p>WAC 480-30-xxx Sub-carrier agreements, operations</p> <ol style="list-style-type: none"> 1. Reporting requirements. A private carrier is responsible for the transportation services provided under its certificate, reporting gross revenue, calculating, and paying regulator fees based, including revenue generated from services provided under a sub-carrier agreement. 2. Certificate authority. Operations conducted under a sub-carrier agreement must be authorized in the prime-carrier certificate. <ol style="list-style-type: none"> (a) No service may be provided under a sub-carrier agreement if the prime carrier auto transportation company certificate is suspended or cancelled. (b) No service may be provided under a sub-carrier agreement if the sub-carrier passenger charter certificate is suspended or cancelled. 3. Tariffs and time schedules. Rates and charges collected and 	
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	<p>services performed under a sub-carrier agreement must be authorized in the prime-carrier tariff, and the time schedule.</p> <p>(a) Sub-carriers must collect only those fares authorized in the prime carrier’s tariff as filed with the commission, including any authorized reduced rates or promotional fares. (b) Sub-carriers must accept tickets, passes, and other prepaid fares presented by passengers. (c) Sub-carriers must operate within the terms of the prime carrier’s time schedule.</p> <p>4. Sub-carrier vehicle identification. In addition to the vehicle marking requirements of WAC 480-30-xxx, any vehicle operated by a sub-carrier under an approved sub-carrier agreement must be identified as and independently owned and operated sub-carrier of the prime carrier.</p>	
<p>Stakeholder</p>	<p>Oral Comments at Adoption Hearing</p>	<p>Commission Response</p>
<p>John Rowley, C.O.O. / General Manager, Shuttle Express, Inc.</p>	<p>In his oral comments at the hearing Mr. Rowley restated the company’s request that the commission adopt a California method of allowing the use of “sub-carriers” to transport to transport passengers for a “prime carrier.” Mr. Rowley expressed the opinion that under such an arrangement the accountability structure of the certificate holder and enforcement ability against the certificate holder remains intact. In his written copy of his oral comments Mr. Rowley asked the commission to consider introducing the company’s proposal or slightly modified changes with the proposed rules or at minimum consider them at a later time.</p>	<p>Rejected. The sub-carrier proposal presented by Mr. Rowley is the same one addressed by the company in its written comments and rejected by the commission based on advice that the law under chapter 81.68 RCW does not allow the proposed arrangement.</p> <p>The commission opened a CR-101 in Docket No. TC-060177 to consider ratemaking and ratemaking methodologies for auto transportation companies. The commission has asked for comments regarding regulation of the auto transportation industry under chapter 81.68 RCW, including entry. This company is encouraged to participate in Docket No. TC-060177 and to bring this issue forward for discussion in that proceeding.</p>