

[Service Date June 3, 2004]

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application No. D-079257 of	)	
	)	DOCKET NO. TC-040369
MUHLBAIER, BARRY & AMY,	)	
d/b/a A & B SPECIALIZED	)	
TRANSPORT,	)	
	)	NOTICE OF PREHEARING
for a Certificate of Public	)	CONFERENCE
Convenience and Necessity to	)	<b>(Set for July 8, 2004, 1:30 p.m.)</b>
Operate Motor Vehicles in	)	
Furnishing Passenger and Express	)	
Service as an Auto Transportation	)	
Company	)	
.....	)	

1 On February 25, 2004, Barry and Amy Muhlbaier, d/b/a A & B Specialized Transport filed an application (number D-079257) for a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company (Application). Notice of the Application was published in the Commission’s weekly Docket of April 12, 2004.

2 The Application requests authority to provide door-to-door passenger service, by reservation only, between Seattle-Tacoma International Airport and the Key/Kitsap Peninsula area. The Key/Kitsap Peninsula area consists of Herron Island, Fox Island, Raft Island and that portion of Pierce and Kitsap Counties described as follows:

Beginning at Port Orchard in Kitsap County then following the shoreline easterly and southerly to Gig Harbor in Pierce County; thence from Gig Harbor following the shoreline southerly, westerly, and northerly to its intersection with the Mason County line, thence following the Mason County line northerly to its intersection with the Old Belfair Valley Road then Belfair Valley Road extended to the shoreline of Sinclair Inlet; thence following the shoreline to the point of beginning at Port Orchard.

The Applicant has filed proposed tariffs and schedules describing the conditions under which it intends to provide the service it proposes.

3 The Commission has jurisdiction over this matter under Title 81 RCW, having legal authority to regulate persons seeking to furnish auto transportation services under chapter 81.68 RCW. The issues in this proceeding include whether granting the Application would be consistent with the foregoing statutes and otherwise consistent with the public interest.

4 The statutes involved include those within 81.04 RCW, chapter 81.68 RCW, and chapter 34.05 RCW, including but not limited to RCW 34.05.422, RCW 34.05.440, RCW 34.05.449, RCW 34.05.452, RCW 81.68.030, RCW 81.68.040, and RCW 81.68.070. Rules involved include those within chapter 480-07 WAC, chapter 480-30 WAC, including but not limited to WAC 480-30-020 and WAC 480-30-030.

5 **THE COMMISSION GIVES NOTICE That a prehearing in this matter will be held on Thursday, July 8, 2004, beginning at 1:30 p.m in Room 108, Chandler Plaza, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** Parties may attend the prehearing via the Commission's teleconference bridge (360-664-3846). If you appear via teleconference, you must appear five minutes before the time that the conference is scheduled to begin.

6 The purpose of the prehearing conference is to discuss preliminary matters, the hearing process, and to consider formulating the issues in the proceeding and to determine other matters to aid in its disposition, as specified in WAC 480-07-430.

7 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440. The parties are further advised that the sanction provisions of WAC 480-07-450 are specifically invoked.**

8 The names and mailing addresses of all parties and their known representatives are as follows:

Applicant: Barry and Amy Muhlbaier  
d/b/a A & B Specialized Transport  
601 204th Avenue Ct.  
Lakebay, WA 98349  
(253) 884-7806

Protestant: Bremerton-Kitsap Airporter, Inc.  
d/b/a Kitsap-Seatac Airporter, Inc.  
P.O. Box 1255  
Port Orchard, WA 98366

Representative: James K. Sells  
Ryan Sells Uptegraft, Inc. P.S.  
9657 Levin Rd. NW, Suite 240  
Silverdale, WA 98383  
(360) 307-8860

Commission Staff: Chris Swanson  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1220

9 Administrative Law Judge Karen M. Caillé, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.

10 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate, during the course of this proceeding.

DATED at Olympia, Washington, and effective this 3rd day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN  
Executive Secretary

**NOTICE**

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_