

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

In re Application TC-091575 of)	DOCKET TC-091575
)	
XINBAO WANG, d/b/a)	
ELLENSBURG EXPRESS)	
)	NOTICE OF PREHEARING
for a Certificate of Public Convenience)	CONFERENCE
and Necessity to Operate Motor)	(Set for December 14, 2009,
Vehicles in Furnishing Passenger and)	at 1:30 p.m.)
Express Service as an Auto)	
Transportation Company)	
)	
.....)	

1 On October 1, 2009, Xinbao Wang, d/b/a Ellensburg Express (Ellensburg Express) filed with the Washington Utilities and Transportation Commission (Commission) an application for a Bus Certificate (Application).¹ Notice of the Application was published in the Commission’s weekly Docket of October 12, 2009.

2 Ellensburg Express’ application requests authority to provide passenger service between 400 E. University Way, Ellensburg, Washington (CWU – Kamola Hall) and 526 South King Street, Seattle, Washington (Women’s & Children’s Shelter).

3 On November 4, 2009, CWA, Inc. filed with the Commission a protest to the application.

4 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under Revised Code of Washington (RCW) Title 81, and has legal authority to regulate persons seeking to furnish auto transportation services under RCW 81.68. The issues in this proceeding include whether granting the Application would be

¹ A bus certificate is formally referred to in RCW 81.68 as a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company.

consistent with the foregoing statutes and otherwise consistent with the public interest.

5 The statutes that apply to this matter include RCW 80.01, RCW 81.04, RCW 81.68, and RCW 34.05, including but not limited to RCW 34.05.422, RCW 34.05.440, RCW 34.05.449, RCW 34.05.452, RCW 80.01.040, RCW 81.04.020, RCW 81.68.030, RCW 81.68.040, and RCW 81.68.070. Rules involved include those within Washington Administrative Code (WAC) 480-07 and WAC 480-30, including but not limited to WAC 480-30-020 and WAC 480-30-030.

6 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1:30 p.m., on Monday, December 14, 2009, Second Floor, Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the Commission's teleconference bridge line, **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

7 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430. Parties should prepare for the prehearing conference by reviewing the Commission's procedural rules as set out in WAC 480-07, particularly WAC 480-07-300 through WAC 480-07-495.

8 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a)*. The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See WAC 480-07-345(2)*. If any party or witness needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

9 **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 under RCW 34.05.440 and WAC 480-07-450.**

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

Applicant:	Xinbao Wang d/b/a Ellensburg Express 602 N. Pine Street Unit 2 Ellensburg, WA 98926 (509) 607-5213 synbaxp@yahoo.com
Representative:	Unknown
Protestant:	CWA, Inc. Richard Johnson, President 1416 Whitehorn Street Ferndale, WA 98248 (360) 543-9369 richard@airporter.com
Representative:	Unknown
Commission Staff:	Jennifer Cameron-Rulkowski Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128 (360) 664- 1186 jcameron@utc.wa.gov

- 11 Administrative Law Judge Adam E. Torem, from the Commission's Administrative Law Division, will preside during this proceeding.
- 12 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective November 18, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, 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.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

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.: (____) _____