

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of)	DOCKET TC-152138
)	
MILLER SCHMER, INC.)	ORDER 01
dba SEATTLE EXPRESS)	
)	ORDER APROVING FLEXIBLE
for a Flexible Fare Tariff)	FARE TARIFF
.....)	
.)	

BACKGROUND

- 1 On August 21, 2013, the Washington Utilities and Transportation Commission (Commission) adopted and amended rules in WAC 480-30 relating to passenger transportation companies in Docket TC-121328. The rules became effective on September 21, 2013.

- 2 One of the new rules, WAC 480-30-420, Fare Flexibility, allows an auto transportation company to offer flexible fares for regulated services. The rule change allows a company operating under a flexible fare tariff to charge any fare up to a maximum fare, calculated as 25 percent over the published or base fare in the company’s tariff prior to Commission approval of the flexible fares.

- 3 On November 9, 2015, Miller Schmer, Inc. dba Seattle Express (Seattle Express or Company) filed with the Commission revisions to the Company’s currently effective Tariff No. 4 requesting to implement fare flexibility. Seattle Express proposed to implement flexible rates for all of its routes and services. The requested effective date for Tariff No. 4 is December 9, 2015.

- 4 The Company filed tariff revisions on November 9, 2015, and revised pages on November 13, 2015, illustrating its base and maximum fares.

- 5 Commission Staff reviewed the filing and agrees that the revised tariff sheets accurately depict the Company’s established base fares and allowable maximum fares under WAC 480-30-420. Staff recommends that the Commission approve a flexible fare tariff for Seattle Express and allow the tariff revisions filed on November 9, 2015, as revised on November 13, 2015, to become effective on December 9, 2015, as requested.

DISCUSSION

6 The Commission agrees that Seattle Express has demonstrated that its proposed flexible
fare tariff complies with WAC 480-30-420. The maximum fares listed do not exceed 25
percent of currently approved and published fares. Under our new auto transportation
company rules, no further review is required.¹

7 By approving a flexible fare tariff for Seattle Express, the Commission is not approving
or establishing any specific fare. Our approval empowers Seattle Express to charge
varying fares as determined by actual market conditions. We are granting the Company
discretion to charge any fare it deems appropriate, up to the maximum fare. Thus the
Company, not the Commission, will establish the specific fares charged to customers.

8 The Commission will monitor the implementation of this flexible fare tariff to ensure that
Seattle Express is providing service to the satisfaction of the Commission. We remain
sensitive to the needs of auto transportation customers and trust that implementation of
flexible fare tariffs will continue to provide fair, just, and reasonable rates for them.

FINDINGS AND CONCLUSIONS

- 9 (1) The Washington Utilities and Transportation Commission is an agency of the
State of Washington vested by statute with the authority to regulate the rates,
regulations, and practices of public service companies, including auto
transportation companies.
- 10 (2) Miller Schmer, Inc. dba Seattle Express is an auto transportation company and a
public service company subject to Commission jurisdiction.
- 11 (3) On November 9, 2015, Miller Schmer, Inc. dba Seattle Express, filed a flexible
fare tariff. On November 13, 2015, Miller Schmer, Inc., filed revisions to some of
the pages the Company filed on November 9, 2015.

¹ Companies authorized to charge flexible fares must use the fares to recover all costs associated with providing passenger service, including, but not limited to, fuel costs, tolls, ferry fares, surcharges, and taxes. Any fuel surcharge in effect at the time a company is authorized to charge flexible fares will be canceled and is not included in the base fare. See WAC 480-30-420(4) and (11).

- 12 (4) This matter came before the Commission at its regularly scheduled meeting on November 25, 2015.
- 13 (5) Miller Schmer, Inc. dba Seattle Express, has demonstrated that its proposed maximum fares do not exceed 25 percent of its base fares.

ORDER

THE COMMISSION ORDERS:

- 14 (1) The tariff revisions Miller Schmer, Inc. dba Seattle Express, filed in this docket on November 9, 2015, as revised on November 13, 2015, shall become effective on December 9, 2015.
- 15 (2) In providing notice to consumers or in its advertising, Miller Schmer, Inc. dba Seattle Express, shall not state or imply that the Commission approved or established any specific fare.

DATED at Olympia, Washington, and effective December 9, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary