

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

SPEEDISHUTTLE WASHINGTON,
LLC, d/b/a SPEEDISHUTTLE
SEATTLE

Petitioner,

Seeking Exemption from the Provisions
of WAC 480-30-186(2)(a) Relating to
Notice Requirements for Temporary
Service Discontinuation

DOCKET TC-171144
(Consolidated)

NOTICE OF HEARING ON
PETITION TO TEMPORARILY
DISCONTINUE SERVICE

In the Matter of the Certificate of Public
and Convenience and Necessity of

SPEEDISHUTTLE WASHINGTON,
LLC, d/b/a SPEEDISHUTTLE
SEATTLE

To Operate Motor Vehicles in Furnishing
Passenger and Express Service as an
Auto Transportation Company,
Certificate C-65854

DOCKET TC-180161
(Consolidated)

NOTICE OF INTENT TO CANCEL
CERTIFICATE

NOTICE OF CONSOLIDATION

NOTICE OF BRIEF
ADJUDICATIVE PROCEEDING;
SETTING TIME FOR ORAL
STATEMENTS
**(Set for Tuesday, March 6, 2018,
at 2:00 p.m.)**

BACKGROUND

- 1 **PETITION.** On November 20, 2017, Speedishuttle Washington, LLC d/b/a Speedishuttle Seattle (Speedishuttle or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition in Docket TC-171144 requesting to temporarily discontinue its auto transportation service and seeking an exemption from the notice requirements in Washington Administrative Code (WAC) WAC 480-30-186 (Petition).

- 2 On November 21, 2017, the Commission convened a special open meeting to address only the Company’s request for exemption from the requirement that it provide 30 days’ notice prior to ceasing operations. That same day, the Commission entered Order 01 granting the requested exemption and clarifying that the Commission will entertain

Speedishuttle's Petition on a later date at a regularly scheduled open meeting consistent with WAC 480-30-186(2)(c).

3 The Commission exercises its discretion under WAC 480-07-110(1) to waive the application of WAC 480-30-186(2)(c) and consider the Company's Petition in the context of an adjudicative proceeding pursuant to WAC 480-07-370(3), which applies to petitions generally.

4 **INTENT TO CANCEL CERTIFICATE.** WAC 480-30-171(2) provides that the Commission may cancel an auto transportation certificate for cause. Staff recommends the Commission cancel the Company's auto transportation certificate for cause due to Speedishuttle's ongoing failure to provide service and the Company's inability to identify a date certain by which its operations will resume.

5 **CONSOLIDATION.** Because the issues raised by the Petition and Staff's recommendation to cancel the Company's certificate for cause are based on related facts and principles of law, the Commission exercises its discretion to consolidate Dockets TC-171144 and TC-180161 and hear both matters concurrently.

6 **FACTUAL ALLEGATIONS.** On March 30, 2015, the Commission granted Speedishuttle a certificate of public convenience and necessity to provide auto transportation service in King County in Docket TC-143691. On November 20, 2017, Speedishuttle notified the Commission that it was ceasing all operations on November 23, 2017.

7 Speedishuttle states in its Petition that it is no longer able to provide service because it has incurred legal fees exceeding \$300,000 defending its certificate in consolidated Dockets TC-143691, TC-160516, and TC-161257 (Consolidated Dockets). Speedishuttle maintains that its operations are not financially viable as long as its certificate is "clouded" by ongoing litigation, and requests that the Commission allow it to temporarily suspend its operations until 6 months from the date when complainant Shuttle Express, Inc. has exhausted all of its appeals related to the Commission's final order in the Consolidated Dockets.¹

¹ The Commission entered its final order in the Consolidated Dockets on November 17, 2017.

8 Following its review of the Company's Petition and the evidentiary record in the Consolidated Dockets, Staff asserts that:

- Speedishuttle demonstrated to the Commission a specific need for auto transportation services in King County and obtained a certificate of public convenience and necessity to provide that service.
- The Company claims it incurred significant costs in defending its certificate that rendered its operations unprofitable, but failed to provide any evidence demonstrating that the Company's operations would become profitable once the "cloud of litigation" is lifted.
- The Company failed to provide a date certain by which it will resume operations. The appeals available to Shuttle Express, and the timing of when those appeals might be filed and heard, are beyond the Commission's control, and are not measurable. Moreover, there is no guarantee that the Company will resume service even when such time expires.
- Holding a certificate of convenience and necessity grants the holder the right to protest any applications for similar service.² As such, Speedishuttle could prevent another company from providing service to the public although Speedishuttle itself is not providing that service.

9 For these reasons, Staff recommends the commission cancel the Company's certificate for cause.

DISCUSSION

10 WAC 480-30-171(2) provides that the Commission may cancel an auto transportation certificate for cause. The facts Staff alleges are sufficient to find cause to cancel Speedishuttle's certificate for failing to provide service for an indefinite period of time. Accordingly, the Commission intends to cancel Speedishuttle's auto transportation certificate unless those facts are satisfactorily rebutted at hearing.

NOTICE

11 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for resolving the issues in these consolidated dockets.

² RCW 81.68.040

12 **THE COMMISSION HEREBY PROVIDES NOTICE that it will hold a hearing on Speedishuttle's Petition to Temporarily Discontinue Service for failure to meet the requirements in chapter 480-30 WAC.**

13 **THE COMMISSION GIVES FURTHER NOTICE of its intent to cancel Speedishuttle's auto transportation certificate for cause following a hearing on the factual allegations set out above.**

14 **THE COMMISSION GIVES FURTHER NOTICE that it will hold a brief adjudicative proceeding in these consolidated matters at 2:00 p.m., on Tuesday, March 6, 2018, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

15 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.

16 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5 p.m. on Tuesday, February 27, 2018**, and bring an original and three (3) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140.

17 Speedishuttle should be prepared to provide testimony and evidence related to the following:

- Speedishuttle's financial ability to resume operations
- A date certain by which Speedishuttle will resume service

18 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding 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.**

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

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Julian Beattie
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225
Julian.beattie@utc.wa.gov

Respondent: Speedishuttle
H. Jack Roemer
Chief Financial Officer
1020 Ulupono St.
Honolulu, HI 96819
(808) 772-5699
jackr@speedishuttle.com

20 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.

DATED at Olympia, Washington, and effective February 23, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

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: Steven V. King, 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.: (____) _____