

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application TC-143691

SPEEDISHUTTLE WASHINGTON,
LLC d/b/a SPEEDISHUTTLE SEATTLE

For a Certificate of Public Convenience
and Necessity to Operate Motor Vehicles
in Furnishing Passenger and Express
Service as an Auto Transportation
Company

DOCKET TC-143691

PACIFIC NORTHWEST
TRANSPORTATION SERVICES, INC. d/b/a
CAPITAL AEROPORTER'S ("CAPITAL'S")
RESPONSE TO SHUTTLE EXPRESS'S
PETITION FOR ADMINISTRATIVE
REVIEW

1 On February 10, 2015, Shuttle Express, Inc. ("Shuttle Express") filed and served a Petition for Administrative Review in this proceeding. Throughout its Petition, Shuttle Express demonstrates numerous facts and reasons why the Applicant, Speedishuttle Washington, LLC ("Speedishuttle Seattle") should be denied the application TC-143691 for new authority as a certificated Auto Transportation company in Washington State. Per the Notice of Opportunity to Respond to Motion and Petitions, issued on February 12, 2015, by Gregory Kopta, Administrative Law Judge, "...the parties may respond to the Motion and Petitions by filing a written response with the Commission no later than February 23, 2015."

2 Shuttle Express addresses Speedishuttle's Application that proposes to provide "Door-to-door service in King County and recognizes that Shuttle Express already provides this service". **RCW 81.68.040—Certificate of convenience and necessity** states, "**An auto transportation company shall not operate**...without first having obtained from the commission under this chapter a certificate that public convenience and necessity **require such operation**. There was

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no need or requirement proffered by Speedishuttle for another overlapping service, or supporting statements by a member of the general public (in the application, evidence or testimony of Speedishuttle for door-to-door service in King County). Furthermore, the testimony of Speedishuttle's CEO, Cecil Morton upon cross-examination from John Fricke, Capital Aeroporter, acknowledges that any/all support statements and letters are not from the general public or in public interest, but strictly for business-to-business interest (ticketing agents, etc.):

“Q. Your statement was provided by Mr. John McCarthy of the GO Airport Shuttle Group. Is -- would you consider him an independent member of the public or a business in which you have a -- another -- a ticketing agent which you have a business agreement with?

A. He's the president of GO Airport Shuttle, and he -- he has the authority to enter into agreements with companies like yours and like mine and refer business to each other.

Q. Okay. So he represents another business in which you do business with?

A. Correct.”.

WAC 480-30-126—Certificates, applications auto transportation company. “The commission must determine that the public convenience and necessity, as defined in WAC 480-30-140(1), **requires** the proposed service when considering an application for a new certificate or extension of an existing certificate. An applicant must support its application with statements by independent members of the public who need the service or are knowledgeable about the need for service in the territory in which the applicant seeks authority, or a statement by a

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representative of a city, county or regional transportation planning organization who is knowledgeable about the need for service in the territory in which the applicant seeks authority.

3 Shuttle Express further argues that they already provide door-to-door service to the satisfaction of the Commission in the majority of the proposed service are of Speedishuttle. According to the testimony of Speedishuttle’s CEO, Cecil Morton upon cross-examination from John Fricke, Capital Aeroporter:

*“If that’s the terminology that will differentiate, yes. **Door-to-door**”.*

WAC 480-30-036(2)—Definitions, general. “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.

Acknowledging that they propose Door-to-door service in their application and through testimony, Speedishuttle is applying for a service already authorized to Shuttle Express, offered

4 The Commission should carefully consider the precedent that will be set for future applications for new authority and extensions of authority for existing certificate holders. If offering a Starbucks coffee and a digital newspaper to every customer and offering a 10-minute difference in departure time guarantee will be considered a basis for differentiation in service, there will be a multitude of new applicants and extension of authority applications for Auto Transportation in the State of Washington. Only time will tell where the results of this application and Commission decision will lead for this industry: further regulation at the Port or local governmental levels, degraded quality and safety, instability among multiple providers, or a stronger more competitive marketplace.

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5 For all of the above reasons, Capital asks that Shuttle Express’s Petition for Administrative Review be carefully considered.

DATED this 23rd day of February, 2015.

RESPECTFULLY SUBMITTED,

By _____
John E. Fricke, VP—Operations
johnf@capair.com
Capital Aeroporer Airport Shuttle

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2015, I caused to be served the original and three (3) copies of the foregoing documents to the following address via first class mail, to:

Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
Attn.: Records Center
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

I further certify I have also provided to the Washington Utilities and Transportation Commission’s Secretary an official electronic file containing the foregoing document via email to:
records@utc.wa.gov

and an electronic copy via email and first class mail, postage prepaid, to:

<p>Julian Beattie Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0128 (360) 664-1192 Email: jbeattie@utc.wa.gov</p>	<p>Greg Kopta Director/Administrative Law Judge 1300 S. Evergreen PARK Drive S. W. P.O. Box 47250 Olympia, WA 98504-7250 (360)-664-1355 gkopta@utc.wa.gov</p>
<p>Bruce Winchell Hunter G. Jeffers Mills Meyers Swartling P.S. 1000 Second Ave, 30th Floor Seattle, WA 98104-1064 (206) 382-1000 Email: bwinchell@millsmeyers.com Email: hjeffers@millsmeyers.com</p>	<p>David Wiley Williams, Kastner & Gibbs, PLLC Two Union Square 601 Union Street, Suite 4100 Seattle, WA 98101 dwiley@williamskastner.com</p>

John Fricke

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