

[Service Date May 23, 2003]

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In re Application No. D-079145 of	)	
	)	DOCKET NO. TC-030489
SEATAC SHUTTLE, LLC, D/B/A	)	
SEATAC SHUTTLE,	)	
	)	NOTICE OF PREHEARING
for a Certificate of Public	)	CONFERENCE
Convenience and Necessity to	)	<b>(June 12, 2003, at 9:30 a.m.)</b>
Operate Motor Vehicles in	)	
Furnishing Passenger and Express	)	NOTICE OF HEARING
Service as an Auto Transportation	)	<b>(June 24, 2003, at 10:00 a.m.)</b>
Company	)	
.....	)	

1 On April 7, 2003, SeaTac Shuttle, LLC, d/b/a SeaTac Shuttle filed an application (number D-079145) 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 14, 2003.

2 The Application requests authority to provide passenger service between Oak Harbor and the SeaTac International Airport via State Route 20 and State Route 525 to the Clinton-Mukilteo Ferry via State Route 525, State Route 526, Interstate 5, direct to SeaTac. In conjunction with the above route, the Applicant seeks to provide door to door service with pickup points within 1 mile of State Route 20 and State Route 525 originating on Whidbey Island and terminating at SeaTac. In the event that Clinton-Mukilteo Ferry service is not available or there are no reservations for passengers on the above named route south of Oak Harbor the company may for any individual trip elect to utilize the following alternate route: State Route 525, State Route 20 North and East to Interstate 5 at Burlington, with closed door direct service from Oak Harbor to SeaTac. The Applicant has filed proposed tariffs and schedules describing the conditions under which it intends to provide the service it proposes.

3 The prehearing conference and hearing set by this notice will be held pursuant to Chapter 34.05 RCW, including but not limited to RCW 34.05.422, RCW 34.05.440,

RCW 34.05.449, and RCW 34.05.452. 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. Statutes involved include RCW 81.68.030, RCW 81.68.040, and RCW 81.68.070. Rules involved include those within chapter 480-30 WAC, particularly WAC 480-30-020 and WAC 480-30-030. Also involved are rules within chapter 480-09 WAC relating to practice and procedure.

4 The Commission sets a prehearing conference to discuss preliminary matters, the hearing process, and the issues of the case.

5 The ultimate issues involved are whether granting the Application would be consistent with the foregoing statutes and otherwise consistent with the public interest. The Applicant has the burden of showing that it has met the requirements of the applicable statutes and Commission rules. The parties should refer to the attached Appendix A so that they are adequately prepared to discuss the issues and the process for the hearing.

6 The Commission designates Karen M. Caillé as the presiding officer.

7 **THE COMMISSION GIVES NOTICE That a prehearing in this matter will be held on Thursday, June 12, 2003, beginning at 9:30 a.m. in Room 206, 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.

8 **THE COMMISSION GIVES FURTHER NOTICE That a hearing in this matter will be held on Tuesday, June 24, 2003, beginning at 10:00 a.m., Worksource Whidbey, 31975 State Route 20, Oak Harbor, Washington.** Parking is available next door at the School District parking lot.

9 **NOTICE IS ALSO GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH THE TERMS OF RCW 34.05.440. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED.**

10 Please see the form attached to this notice that should be filled out and returned if any party or witness needs an interpreter or other assistance. The names and mailing addresses of all parties and their known representatives are as follows:

Applicant: SeaTac Shuttle, LLC  
d/b/a SeaTac Shuttle  
1150 S.E. Dock Street, #201  
Oak Harbor, WA 98277  
(360) 202-4007

Protestant: Shuttle Express  
d/b/a Super Shuttle  
800 S.W. 16th  
Renton, WA 98055

Representative: Brooks E. Harlow  
David L. Rice  
Attorney's at Law  
Miller Nash LLP  
4400 Two Union Square  
601 Union Street  
Seattle, WA 98101-2352  
(206) 622-8484

Protestant: Wickkiser International Companies, Inc.  
1416 Whitehorn Street  
Ferndale, WA 98248  
(360) 380-2859

Representative: Brooks E. Harlow  
David L. Rice  
Attorney's at Law  
Miller Nash LLP  
4400 Two Union Square  
601 Union Street  
Seattle, WA 98101-2352  
(206) 622-8484

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

- 11 The complete file is available for inspection during office hours at the Commission's Records Center in Olympia, Washington. 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 23rd day of May, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN  
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.: (\_\_\_\_) \_\_\_\_\_

## APPENDIX A

The Commission may issue to an applicant a certificate of authority to operate as an auto transportation company in the state of Washington if the applicant satisfies the requirements, both procedural and substantive, that are set out in chapter 81.68 RCW and chapter 480-30 WAC.

At the hearing, the applicant must show that it has satisfied the following requirements before the Commission may grant a certificate:

- (1) That there is a public need for the service proposed by the applicant.
  - Need for new service must be established by the testimony of members of the public who actually require the service. The Commission does not accept self-serving statements of an applicant. The applicant must support its application with independent witnesses knowledgeable about the need for service in the territory in which the applicant seeks authority.
  - If the application is protested the Commission will not consider written statements of witnesses whom the applicant has not made available for cross examination at hearing; the Commission will generally only consider live testimony.
  - If the applicant requests a certificate to operate in a territory already served by another certificate holder, the applicant must also show that the existing transportation company or companies will not provide service in that territory to the satisfaction of the Commission.
- (2) That the applicant is fit, willing, and able to provide the proposed service.
  - The applicant must show that it has sufficient financial resources and assets to conduct the proposed operations.
  - The applicant must show that it is willing and able to comply with the applicable laws and the Commission's rules.