

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

In re Application No. D-079292	)	DOCKET NO. TC-041320
	)	
ALL-WAYS TRANSPORTATION, INC.	)	ORDER NO. 01
	)	
For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company. .....	)	PREHEARING CONFERENCE ORDER

1 **NATURE OF PROCEEDING.** Docket No. TC-041320 is an application by All-Ways Transportation, Inc. for a certificate of public convenience and necessity to provide door-to-door service by reservation only, between Clarkston, Pullman, and the Spokane International Airport.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on October 29, 2004 before Administrative Law Judge Theodora M. Mace.

3 **APPEARANCES.** Delores M. Weza, President, Lewiston, Idaho, represents All-Ways Transportation, Inc.

4 **PETITIONS TO INTERVENE.** No protests were filed within 20 days of publication in the Commission’s weekly docket as required by WAC 480-30-032(1). Noone petitioned to intervene during the prehearing conference on October 29, 2004.

- 5 **ISSUES.** The issues pertain to the statutory requirements for granting a certificate of public convenience and necessity as set forth in 81.68 RCW. See Appendix A for an outline of the requirements.
- 6 **WAIVER OF INITIAL ORDER.** Commission procedural rules allow a party to waive entry of an initial order if the party is seeking more expeditious relief. WAC 480-07-820(1)(b)(iv). **The applicant may waive entry of an initial order by sending a letter to that effect to the Commission Executive Secretary at the address stated in the Document Preparation section of this order.** Waiver of an initial order means that the Commission will enter a final order on the application after reviewing the evidence. After entry of a final order, a party may request reconsideration of the order or seek review in court.
- 7 **PROCEDURAL SCHEDULE.** The applicant agreed to provide proof in support of the application on or before November 19, 2004.
- 8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus seven (7) copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 9 All filings must be mailed to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Executive Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park

Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

10 An electronic copy of all filings must be provided by e-mail delivery to <[records@wutc.wa.gov](mailto:records@wutc.wa.gov)>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).

11 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 2<sup>nd</sup> day of November, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M.MACE  
Administrative Law Judge

## 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, chapter 480-30 WAC.

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 written 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 applicant requests a certificate to operate in a territory already served by a 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. This may be shown by providing copies of balance sheets and income statements, among other things.
  - The applicant must show that it is willing and able to comply with the applicable laws and the Commission's rules.