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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

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David L. Rice
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September 15, 2004

VIA HAND DELIVERY

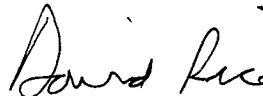
Carole J. Washburn
Executive Secretary
Washington Utilities and Transportation Commission
Post Office Box 47250
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504-7250

Subject: In re Application of Diamond-West Transportation Co., Inc.
Docket No. TC-041353; Application No. D-079295

Dear Ms. Washburn:

Attached for filing are an original and 12 copies of CWA, Inc.'s Protest and Request for Adjudicative Proceeding and Hearing in the above-referenced matter.

Very truly yours,



David L. Rice

cc w/enc: Diamond-West Transportation Co., Inc.

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

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BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

7 In re Application of

8 DIAMOND-WEST TRANSPORTATION
9 CO., INC.

10 for Certificate of Public Convenience and
11 Necessity in Furnishing Passenger and Express
12 Service.

Docket No. TC-041353

Application No. D-079295

PROTEST AND REQUEST FOR
ADJUDICATIVE PROCEEDING AND
HEARING

13 CWA, Inc. ("CWA") protests the above-captioned application of Diamond-West
14 Transportation Co., Inc. ("Applicant") under WAC 480-30-032. CWA requests that the WUTC
15 commence an adjudicative proceeding and set this application for hearing for the reasons
16 identified in this protest.

17 CWA is an auto transportation company operating under authority issued by the
18 WUTC in Permit C-1073. See Attachment. Under this authority, CWA provides scheduled
19 airport transportation service between Yakima, Ellensburg, and Cle Elum on one hand, and on
20 the other hand the Seattle-Tacoma International Airport and the Seattle Amtrak station. CWA
21 operates and maintains in Washington a fleet of one - 47 passenger motorcoach and three -
22 20 passenger minibuses used for the transportation of passengers and express service. CWA's
23 address is 1416 Whitehorn St., Ferndale, Washington, 98248.

24 CWA believes that a grant of Applicant's application is not in the public interest
25 and is not required by the public convenience and necessity. Applicant requests authority to
26 provide door-to-door and scheduled service between Seattle and Ellensburg with service to


PROTEST AND REQUEST FOR ADJUDICATIVE
PROCEEDING AND HEARING - 1

1 Bellevue, Redmond, Issaquah, North Bend, Snoqualmie Pass, Easton, Cle Elum, intermediate
2 points, and points within one mile of I-90, via I-90, SR-10, SR-906, I-405, and SR-520, which
3 could be interpreted as including Sea-Tac Airport. CWA already provides satisfactory service
4 along the portions of this route within its certificated territory. There is no public need for the
5 Applicant's proposed, duplicative service, as CWA's existing equipment is not fully utilized and
6 is available to provide additional service should the need and opportunity arise. CWA also
7 believes that the Applicant is not fit, willing, and able to provide the proposed service in
8 accordance with the applicable laws, rules, and regulations.

9
10 If the WUTC sets this matter for hearing, CWA will appear, submit evidence, and
11 present witnesses at the hearing in support of this protest. CWA will represent itself in this
12 proceeding and will be represented by its attorneys, Brooks E. Harlow and David L. Rice.

13 DATED this 15th day of September, 2004.

14 MILLER NASH LLP

15
16 By: 
17 Brooks E. Harlow
18 David L. Rice

19 Attorneys for CWA, Inc.
20
21
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26

ATTACHMENT

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

For the Operation of Motor Propelled Vehicles

pursuant to the provisions of Chapter 81 RCW

THIS IS TO CERTIFY that authority is granted to operate as a MOTOR CARRIER in the transportation of the commodities and in the territory described herein to

CWA, INC.,
d/b/a CENTRAL WASHINGTON AIRPORTER
2410 SOUTH 26TH AVENUE
PO BOX 9364
YAKIMA, WA 98903

PERMIT NO.
C-1073

PASSENGER SERVICE BETWEEN: Yakima, Ellensburg, and Cle Elum, on the one hand, and on the other hand the Seattle-Tacoma International Airport and the Seattle Amtrak station.

TC-021402

05-28-03



SERVICE DATE
MAY 28 2003

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

By

Carol J. Shastin

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CERTIFICATE OF SERVICE

WUTC DOCKET NO. TC-041353

I, Keva Jahnke, hereby certify under penalty of perjury that on September 15, 2004, I caused to be served by certified U.S. mail, return receipt requested a copy of the Protest and Request for Adjudicative Proceeding and Hearing on the following parties:

Diamond-West Transportation Co., Inc.
Post Office Box 1313
Enumclaw, WA 98022

Dated this 15th day of September, 2004.



Keva Jahnke, Secretary