

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Request of

BML INVESTMENTS, LLC DBA  
WENATCHEE VALLEY SHUTTLE,

Petitioner,

For Less Than Statutory Notice in  
Connection with Tariff Revisions

DOCKET TC-161000

ORDER 01

ORDER GRANTING LESS THAN  
STATUTORY NOTICE; ALLOWING  
TARIFF REVISIONS

**BACKGROUND**

- 1 On August 10, 2016, BML Investments, LLC dba Wenatchee Valley Shuttle, (BML or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 4, designated as 1<sup>st</sup> Revised Page 1 and 1<sup>st</sup> Revised Page 8. The Company is changing the location of its Bellevue drop-off and pick-up point from the Eastgate Park-n-Ride lot to the Bellevue Chevron Station.
- 2 RCW 81.28.050 and WAC 480-30-316 require 30 days' notice to the Commission prior to the effective date of the tariff. The tariff sheets bear an effective date of September 10, 2016. This date recognizes statutory notice as required. BML requests, however, less than statutory notice as permitted in WAC 480-30-326, and that the revisions become effective August 8, 2016. BML requests less than statutory notice because King County Metro no longer allows the Company to use the Eastgate Park-n-ride lot. The Company was allowed to continue to pick up passengers at the Eastgate location until July 22, 2016, to accommodate prior reservations. The tariff revisions could not be filed until a new location was identified and arrangements for use of that location made.
- 3 WAC 480-30-316 requires auto transportation companies to post a customer a notice at their offices and in their vehicles at least 30 days before the requested effective date of any tariff changes affecting routes or time schedules. Requesting less than statutory notice handling also requires the Company to post a notice concurrently with the Company's filed tariff changes in accordance with WAC 480-30-326.
- 4 Staff finds the Company's proposed tariff changes and request for Less than Statutory Notice handling reasonable. The Company was no longer allowed to use the existing pick-up and drop-off point through no fault of its own, and the Company did not have

adequate time to arrange a new location and file the location change with the Commission within the required 30-day notice period. WAC 480-30-326 states the Commission may allow auto transportation company tariff or time schedule filings to become effective with less notice than is shown in WAC 480-30-306 and 480-30-311 when good cause is shown.

5 Staff finds that the company did not file the required public notice concurrent with its tariff filing, and that the notice it did provide did not meet the requirements of WAC 480-30-316 in that it did not include the company address, telephone number, or a description of how customers may contact the commission to comment or oppose the tariff change.

6 Since the proposed tariff revisions appear to be fair, just, reasonable and sufficient, and less than statutory notice is consistent with the public interest, it is appropriate that the Commission grant BML's request with an effective date of August 8, 2016.

#### FINDINGS AND CONCLUSIONS

7 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, regulations, practices, accounts and affiliated interests of public service companies, including auto transportation companies. RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.08, RCW 81.12, RCW 81.16 and RCW 81.68.

8 (2) BML is an auto transportation company and a public service company subject to Commission jurisdiction.

9 (3) BML is subject to RCW 81.28.050 and WAC 480-30-316, which require auto transportation companies to file changes in any rate or time schedule with 30 days' notice. For good cause shown, however, the Commission may allow changes without requiring 30 days' notice by order specifying the changes to be made and the time when it shall take effect. See also WAC 480-30-326.

10 (4) Staff has reviewed BML's request in Docket TC-161000 and recommends the Commission grant the Company's less than statutory notice request.

11 (5) Staff recommends that BML provide the commission with a corrected customer notice that meets the requirements of WAC 480-30-316, and post that notice for 30 days in their vehicles and office, and on their website.

- 12 (6) This matter came before the Commission at its regularly scheduled meeting on August 8, 2016.
- 13 (7) After reviewing BML's proposed tariff revisions filed on August 10, 2016 in this docket and giving due consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revisions should become effective August 8, 2016.

**ORDER**

**THE COMMISSION ORDERS:**

- 14 (1) BML Investments, LLC dba Wenatchee Valley Shuttle's request for Less than Statutory Notice is granted.
- 15 (2) The tariff revisions BML Investments, LLC dba Wenatchee Valley Shuttle filed on August 10, 2016, will become effective on August 8, 2016.
- 16 (3) BML Investments, LLC dba Wenatchee Valley Shuttle must post, and file with the commission, a revised customer notice that meets the requirements of WAC 480-30-316, no later than 5:00 P.M. August 19, 2016. The notice must be posted in a conspicuous location in each vehicle, at each passenger facility and on the company's web site. The notice must include the date it was issued, the company address, company telephone number, and a description of how customers may contact the commission to comment or oppose the company's proposal. The notice must be remain posted for 30 calendar days.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective August 8, 2016.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**STEVEN V. KING, Executive Director and Secretary**