

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

PACIFIC NORTHWEST
TRANSPORTATION SERVICES, INC.
D/B/A CAPITAL AEROPORTER
AIRPORT SHUTTLE; CAPITAL
AEROPORTER TOURS &
CHARTERS; AIRPORT SHUTTLE;
CAPITAL CITY CHARTERS;
PREMIER AIRPORT SHUTTLE

For Authority to Operate as an Auto
Transportation Company in the States of
Washington

DOCKET TC-240898

ORDER 03

ORDER DENYING PETITION FOR
ADMINISTRATIVE REVIEW

In the Matter of the Application of

Eagle Towncar Service LLC

For Authority to Operate as an Auto
Transportation Company in the State of
Washington

Docket TC-240856

ORDER 03

ORDER DENYING PETITION FOR
ADMINISTRATIVE REVIEW

BACKGROUND

22

On September 23, 2024, Eagle Towncar Services, LLC (Eagle Towncar or Company) filed its application for temporary authority to operate as an auto transportation company in Washington state with the Washington Utilities and Transportation Commission (Commission). Eagle Towncar’s application describes its proposed service as “scheduled

nonstop passenger by reservation only between downtown Bellevue and SeaTac Airport.”¹
The Commission docketed this matter under Docket TC-240717.

- 23 On October 15, 2024, Pacific Northwest Transportation Services (PNTS) filed an objection to Eagle Towncar’s application for temporary operating authority in Docket TC-240717 on the basis that it currently holds a certificate to provide passenger auto transportation service between SeaTac Airport and downtown Bellevue and will continue to provide this service.² PNTS’ objection was filed 22 days after Eagle Towncar’s application.
- 24 On November 13, 2024, at the request of Eagle Towncar, the Commission scheduled a Brief Adjudicative Proceeding (BAP) in Docket TC-240717 for January 6, 2025.
- 25 On November 13, 2024, Eagle Towncar filed an application for permanent authority, for the same service territory covered by its temporary application, in Docket TC-240856.
- 26 On November 14, 2024, Eagle Towncar filed a motion to strike PNTS’ objection in Docket TC-240717, on the grounds that PNTS does not provide the same service that Eagle Towncar proposed to provide because PNTS offers door-to-door service in the relevant service territory while Eagle Towncar was proposing to provide scheduled service.³ As a result, on November 27, 2024, the Commission dismissed the objection by PNTS in Order 02 in Docket TC-240717. This dismissal effectively terminated PNTS’ objection in Docket TC-240717 and was not challenged by PNTS.
- 27 On November 19, 2024, (docketed November 20, 2024) in Docket TC-240898, PNTS filed an application for extension of its certificate to provide scheduled service over an area which partially overlaps the territory that Eagle Towncar proposed to serve in its applications for temporary and permanent authority.

¹ *In re the Application of Eagle Towncar LLC*, Docket TC-240717, Application, 5 (September 23, 2024).

² *In re Application of Eagle Towncar LLC*, Docket TC-240717, Objection, 2 ¶3 (October 15, 2024).

³ *See* WAC 480-30-116(2); WAC 480-30-140(2)(g) (“Door-to-door service and scheduled service in the same territory will not be considered the same service.”)

- 28 On December 6, 2024, Eagle Towncar filed an objection to PNTS' application. Eagle Towncar filed its objection 16 days after PNTS filed its application.
- 29 On January 7, 2025, the Commission issued a notice scheduling a BAP in Dockets TC-240898 and TC-240856 for March 14, 2025.
- 30 On February 13, 2025, PNTS filed a Motion to Disqualify Presiding Judge, citing Revised Code of Washington (RCW) 34.05.425 and 34.12.050. On February 18, 2025, Eagle Towncar filed a response to PNTS' motion. On March 7, 2025, the Commission denied PNTS' Motion to Disqualify.
- 31 On March 14, 2025, an evidentiary hearing was held before presiding Administrative Law Judge (ALJ) Bijan Hughes. The matters were consolidated at the beginning of the proceeding pursuant to Washington Administrative Code (WAC) 480-30-131(1). However, as discussed below, PNTS' application was substantively defective, and was therefore later considered separately pursuant to WAC 380-30-131(2).
- 32 On March 18, 2025, PNTS filed a revised flexible fare tariff sheet, and on March 19, 2025, PNTS filed a revised application for extension of authority.
- 33 On May 23, 2025, the Commission issued Order 02, Initial Order Denying Extension of Certificate in Part, Granting in Part (Order 02) in Dockets TC-240898 and TC-240856. Order 02 granted Eagle Towncar's application for permanent authority and denying PNTS' application for expansion of authority into overlapping territory with Eagle Towncar. However, Order 02 granted PNTS' application for expansion to serve areas which did not overlap with Eagle Towncar's application.
- 34 On June 12, 2025, PNTS filed with the Commission its Petition for Administrative Review of Pacific Northwest Transportation Services d/b/a Premier Airport Shuttle Capital Aeroporter (Petition) contending that the Commission erred in finding that PNTS' application submitted November 19, 2024, was substantially incomplete and that the Commission failed to give notice within five days that PNTS' application was not in compliance.⁴ PNTS argued that because the Commission did not provide notice of non-

⁴ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Petition for Administrative Review ¶ 7,17 (June 12, 2025).

compliance, that the Commission was required to accept PNTS' application as "accepted and filed" on November 19, 2024. PNTS claims that this alleged error had a cascading effect on the remainder of Order 02 and that PNTS' application and Eagle Towncar's applications should have been considered jointly.⁵

35 On June 23, 2025, Eagle Towncar filed a Response to PNTS' Petition for Administrative Review requesting that the Commission deny the Petition as unsupported by Commission rules.⁶

36 On June 24, 2025, Staff filed in this Docket Commission Staff's Response to Petition for Administrative Review also requesting that the Commission deny administrative review of the Petition because among other things, Order 02 found that Eagle Towncar holds a temporary certificate and provides the same service to the satisfaction of the Commission, which was not challenged by PNTS nor Staff on review.⁷

37 On June 27, 2025, PNTS filed in this Docket PNTS' Reply to Responses to its Petition for Administrative Review (Reply Brief) responding to the Responsive Briefs filed by Staff and Eagle Towncar.

38 On June 30, 2025, Eagle Towncar filed a Motion to Strike PNTS' Reply Brief, stating that PNTS is not entitled to a reply brief unless they are responding to new challenges raised in responsive briefing or have filed a motion for leave to reply.⁸ Eagle Towncar has alleged that because no new challenges to Order 02 were raised, and PNTS has not filed a motion

⁵ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Petition for Administrative Review ¶ 2,16,17 (June 12, 2025).

⁶ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Eagle Towncar's Response to Petition ¶ 2 (June 23, 2025).

⁷ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC=240856, Staff's Response to Petition ¶ 10 (June 24, 2025).

⁸ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Motion to Strike ¶ 3 (June 30, 2025).

for leave to reply to responsive briefing filed in this Docket, the Commission should strike PNTS' Reply Brief filed June 27, 2025.⁹

MOTION TO STRIKE PNTS' REPLY BRIEF

- 39 Pursuant to WAC 480-07-825(2)(d) parties do not have a right to file a reply brief unless the party is replying to “new challenges to the order that are included in another party’s response . . .”¹⁰ or the party has petitioned the Commission for leave to reply.¹¹
- 40 In this matter, PNTS has not identified any new challenges to Order 02 in its Reply brief addressing the responsive briefing filed by Staff and Eagle Towncar and PNTS has not filed a motion requesting leave of the Commission to file a reply brief in this Docket. Because there are no new challenges to Order 02 in the record by any of the parties of this proceeding, and because PNTS has not filed a motion seeking leave to file a reply brief, PNTS did not follow Commission rules when it filed its Reply Brief on June 27, 2025. Therefore, we find that PNTS is not entitled to a reply brief by rule nor statute. Eagle Towncar’s Motion to Strike PNTS’ Reply Brief is granted and PNTS’ Reply to Responses to its Petition for Administrative Review is stricken from Dockets TC-240898 and TC-240856.

DISCUSSION AND DECISION

- 41 Pursuant to RCW 34.05.464, initial orders “may become final without further agency action, unless within a specified period . . . a party to the proceedings files a petition for administrative review of the initial order.”¹²
- 42 A party may challenge any finding of fact, conclusion of law, remedy, or result in an initial order by petitioning for administrative review. A party also may petition for

⁹ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Motion to Strike ¶ 3 (June 30, 2025).

¹⁰ WAC 480-07-825(2)(d)(i).

¹¹ WAC 480-07-825(2)(d)(ii).

¹² RCW 34.05.464(1).

administrative review to challenge the reasons stated in support of any result reached in an initial order¹³

- 43 Per WAC 480-07-395(4), the Commission will liberally construe pleadings to effect justice among the parties and will consider pleadings based on the relief that they request. Additionally, the Commission will disregard errors or defects in pleadings that do not affect the substantial rights of the parties. We thus accept PNTS' Petition as filed and will address it on the merits of the arguments presented regardless of whether it meets the standards for a petition for administrative review detailed in WAC 480-07-825(2).
- 44 The Petition alleges the following errors: (1) The application in Docket TC-240898 was substantively complete upon filing on November 19, 2025; (2) the correct filing date of the application in TC-240898 is November 19, 2025; and (3) to the extent that Dockets TC-240898 and TC-240856 contain overlapping routes, these applications should be considered jointly with no priority given to either application.¹⁴ PNTS specifies that it does not challenge the decision to sever consideration of portions of the proposed routes that do not overlap.¹⁵
- 45 PNTS makes multiple arguments in support of its first alleged error – that its application filed on November 19, 2024, was not substantially incomplete. First, PNTS points to Docket TC-200495 where an order was entered granting an application for auto transportation certificate authority where the application used similar descriptors as PNTS in its November 19, 2024, application.¹⁶ Eagle Towncar argues that by not providing time schedules, identifying specific flag stops, times of arrival or departure and by providing a service area map without labeled proposed stops in some areas, that PNTS' application

¹³ WAC 480-07-825(2).

¹⁴ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Petition for Administrative Review ¶ 7 (June 12, 2025).

¹⁵ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Petition for Administrative Review ¶ 7 (June 12, 2025).

¹⁶ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Petition for Administrative Review ¶ 9 (June 12, 2025).

was not compliant with Commission rules and was substantially incomplete.¹⁷ Further, Eagle Towncar argues that the order granting application in Docket TC-200495 “was a delegated order issued by the Executive Secretary and Director and is not precedential.”¹⁸ On this first point, we agree with Eagle Towncar that the order granting application in Docket TC-200495 was not challenged and was not brought before the Commission for a final order. We agree with Eagle Towncar that the order granting application in Docket TC-200495 does not provide Commission precedent on which PNTS could rely to demonstrate that its application submitted November 19, 2024, was substantially complete.¹⁹ Accordingly, we do not rely on the order entered in Docket TC-200495 for guidance in this Order.

46 WAC 480-30-281(2) specifically requires the following:

The time schedule filed by an auto transportation company that provides scheduled service must contain, but is not limited to:

- (i) The times of arrival at, and/or departure from, all termini.
- (ii) The times of arrival at, and/or departure from, all intermediate points served.
- (iii) The distance between all points shown in the schedule.
- (iv) A list of all flag stops at which the company will provide service.
- (v) A list of points the company is authorized to serve but is not serving, if any, and the reason.²⁰

47 The application docketed by PNTS in Docket TC-240898 November 20, 2024, did not provide arrival nor departure times for its proposed “[s]cheduled [p]assenger [s]ervice between Seattle-Tacoma International Airport and the

¹⁷ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Eagle Towncar’s Response to Petition ¶ 21-22 (June 23, 2025).

¹⁸ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Eagle Towncar’s Response to Petition ¶ 23 (June 23, 2025).

¹⁹ See WAC 480-30-271, WAC 480-30-281(2), and WAC 480-30-096.

²⁰ WAC 480-30-281(2)(b).

downtown areas of Redmond, Kirkland, and Bellevue.”²¹ It is clear that this description in PNTS’ application materials does not comply with the requirements of WAC 480-30-281(2). This information was submitted by PNTS in Docket TC-240898 on March 18, 2025.²² We find that because this information is required by Commission rule, PNTS did not satisfy the requirements for applications under WAC 480-30-281(2)(b) until March 18, 2025.

48 Second, PNTS contends that it did not misrepresent its tradename in its application. PNTS asserts that Eagle Towncar had only included “Eagle Towncar Services LLC” on its Application and Tariff for Permanent Authority in Docket TC-240856.²³ Further, PNTS argues that on November 19, 2025, when it submitted its application, Eagle Towncar “was not a certificated Auto Transportation Company, did not provide the same service as proposed by PNTS, and was not providing any service to the satisfaction of the Commission under WAC 480-30-140(3)(b).”²⁴ PNTS further alleges that “it is incorrect (or at the very least, misleading) to assert that a ‘current certificate holder has this [Bellevue Airport Shuttle] tradename on their tariff’ as Eagle Towncar was not certificate [sic] at the time PNTS submitted its application.”²⁵ However, in Docket TC-240717, Eagle Towncar is referenced with the tradename Bellevue Airport Shuttle in Support statements filed September 25, 2024. Order 02 discusses the following:

²¹ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc.*, Docket TC-240898, Pacific Northwest Transportation Services, Inc Application for Extension of C000862 p 5 (November 20, 2024).

²² *In the Matter of the Application of Pacific Northwest Transportation Services, Inc.*, Docket TC-240898, Replacement Page, Attachment H- Revised Flexible Fare Tariff Sheet (March 18, 2025).

²³ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Petition for Administrative Review ¶ 7 (June 12, 2025).

²⁴ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Petition for Administrative Review ¶ 12 (June 12, 2025).

²⁵ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Petition for Administrative Review ¶ 12 (June 12, 2025).

WAC 480-30-086(2)(c) states “[a] company may not operate under a company name or trade name that is similar to that of another company if use of the similar name misleads the public or results in unfair or destructive competitive practices.”²⁶

49 By the time PNTS filed its initial application on November 19, 2024, in which, PNTS included the tradename “Bellevue Airport Shuttle,” Eagle Towncar had used Bellevue Airport Shuttle as a tradename and was clearly known as such to businesses who supported the services provided by Eagle Towncar. For these reasons, to the extent that PNTS is alleging that Order 02 erred in finding its November 19, 2024, application was incomplete because of the overlapping use of trade names, we find no error. We are not persuaded that PNTS’ application did not contain misrepresentations of its tradename and do not find that Order 02 erred by finding such. On March 19, 2025, PNTS submitted a revised application page 4 that omitted the tradename Bellevue Airport Shuttle in its application materials.²⁷ We agree with Staff that it would have been improper for the Commission to approve PNTS’ tariff with the tradename Bellevue Airport Shuttle.²⁸ Further, PNTS’ application not only contained overlapping use of a trade name, but was found to contain other errors including failure to provide specific locations of service and time schedules required by Commission rule, as discussed above.²⁹

50 Third, PNTS argues that it was not notified by the Commission that its application submitted November 19, 2024, contained defects and that by rule, if the Commission does not reject a document, it is deemed accepted and filed within five business days. We agree with Eagle Towncar that PNTS is misapplying Commission rule when it argues that its

²⁶ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Order 02 ¶ 18 (May 23, 2025).

²⁷ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc.*, Docket TC-240898, Revised Page 4 of the Application for Extension of Authority (March 19, 2025).

²⁸ Jones, TR 240:12-17.

²⁹ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Order 02 ¶ 17 (May 23, 2025) citing Remfrey, Tr. 33:19-24; WAC 480-30-096(3)(a)(ii).

application submitted November 19, 2024, was deemed accepted and filed after five business days.³⁰ Pursuant to WAC 480-07-141, the following Commission rule applies:

By accepting a submission for filing in a docket or assigning a docket number, the commission does not necessarily certify that the submission complies with all filing requirements or waive the commission's ability to subsequently reject a document as deficient or require deficiencies to be corrected; provided that in the absence of extraordinary circumstances, the commission will not reject a document for failure to comply with applicable filing requirements more than five business days after the document has been submitted, and documents are deemed accepted and filed unless the commission provides notice of noncompliance within that time period.³¹

- 51 We agree with Eagle Towncar that the intent of the language of WAC 480-07-141(3) is intended to be flexible and does not require the Commission to accept a filing regardless of defects unless it provides notice of failure to comply with filing requirements. Rather the Commission specifically retains authority to reject a filing that does not comply with filing requirements and it would not be in the public interest to require otherwise. PNTS has not cited any authority for its contention that the Commission “cannot” reverse its position. It is clear from the record that Staff agreed that the initial application from PNTS was deficient.³²
- 52 The plain language of WAC 480-30-096(3)(a)(ii) and 480-30-096(3)(d) require that a company applying to provide scheduled service must provide service locations and a time schedule. PNTS did not include this information in its November 19, 2024, filing and did not update its filing until March 19, 2025. Accordingly, we do not find Order 02 erred in finding that PNTS’ November 19, 2024, filing was deficient.
- 53 Fourth, PNTS has alleged that the Commission declined to change the filing date of TC-240856 after acknowledging that it was not complete. The Petition does not cite to authority nor specific paragraphs of Order 02. In the Petition, PNTS has requested that the

³⁰ *In the Matter of the Application of Pacific Northwest Transportation Services, Inc./In the Matter of the Application of Eagle Towncar Service LLC*, Docket TC-240898/TC-240856, Eagle Towncar’s Response to Petition ¶ 25-26 (June 23, 2025).

³¹ WAC 480-07-141(3) (emphasis added).

³² Renfrey, TR 33:12-24.

Commission move Eagle Towncar's filing date to January 28, 2025. However, in Docket 240717, PNTS acknowledged the following in its Responsive Brief:

On the same day, on November 19th, Eagle Towncar filed its "updated" and original financial forecast and balance sheet for the first time with the Commission **to complete Eagle Towncar's application.**³³

- 54 By PNTS' own admission, Eagle Towncar's application was complete no later than November 19, 2024, so we are not persuaded that the Commission should change the filing date for Eagle Towncar's application to January 28, 2025. Furthermore, PNTS admits in its Petition that even if Eagle Towncar's filing date was moved to January 28, 2025, there would still be more than a 30-day gap between March 19, 2025, when PNTS completed its own application, and January 28, 2025. Accordingly, changing the filing date of Eagle Towncar's application would not change the outcome of Order 02.
- 55 Because we do not find that Order 02 erred when it found that PNTS' application was substantially incomplete on November 19, 2024, we do not address PNTS' second and third contentions of error, because both rely on the Commission finding that Order 02 erred in finding that PNTS' final application for extended authority was filed March 19, 2025. Said differently, because we find no error in relation to Order 02 finding PNTS' application was not complete until March 19, 2025, PNTS' second and third arguments must fail as they are premised on a finding that its application was complete on November 19, 2024.
- 56 For the reasons discussed above, we adopt and affirm as our own the findings and conclusions set forth in Order 02 in full and deny PNTS' Petition.

ORDER

THE COMMISSION ORDERS:

- (1) Pacific Northwest Transportation Services Petition for Administrative Review, filed in Dockets TC-240898 and TC-240856 is DENIED.

³³ *In the Application of Eagle Towncar Service LLC*, Docket TC-240717, PNTS' Response in Opposition to Eagle Towncar Service, LLC's Motion to Strike Objection and to Grant Temporary Application ¶ 10 (November 21, 2024); Frickle Decl. ¶ 9 filed in Docket TC-240717 (November 21, 2024). (Emphasis added).

DATED at Lacey, Washington, and effective July 15, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

A handwritten signature in blue ink, appearing to read "B. J. Rybarik", with a long horizontal flourish extending to the right.

BRIAN J. RYBARIK, Chair

A handwritten signature in blue ink, appearing to read "Ann E. Rendahl", written in a cursive style.

ANN E. RENDAHL, Commissioner

A handwritten signature in blue ink, appearing to read "Milton H. Doumit", written in a cursive style.

MILTON H. DOUMIT, Commissioner