

# Docket TC-060177

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Via email [records@wutc.wa.gov](mailto:records@wutc.wa.gov)

Re: your letter of August 16, 2006 Docket No.060177

Dear Mr. Danner:

Thank you for your response to the letter that I sent to Penny Hansen regarding clarification on Commissioner Sidran's comments and a request for the language of the changes within WAC 480-30 to be considered under the CR-102 upcoming. Let me preface my response by saying I do not take the time to read and digest all of the code proposals and changes that come from the WUTC for fun, I have a business to run and just dealing with regulatory issues and code changes does nothing to further my bottom line; it takes me away from productive direct application requirements.

I am greatly concerned by your comment that the CR-102 is so narrowly focused and will completely disregard all the time, effort and money expended by this company as well as many other auto transportation companies on the issue of rates (fares). If you will reference the CR-101 in both TC-020497, and in this particular instance, TC-060177, you will see by the very title and reason for opening as stated by staff; they were to deal with rates and the revision thereof. In our analysis, the commission has leave to amend the rate (fare) making process as described in the workshops, the comments and as proposed by Commissioner Sidran without the intervention of the legislature. To suggest otherwise at this late date and all of the requests for specific proposals from the companies by your staff is to smack all of our efforts in the face. If in fact the WUTC can not consider this issue without legislation, why did we go through years of process without being told? This issue has been before the commission for four and one half years now and is apparently no closer to resolution than it was in 2002. We, the companies, have spent tens of thousands of dollars on this issue, not to mention the untold expenditure of tax and fee dollars by the commission. We see this as nothing short of a "bait and switch". If rates (fares) are not to be resolved under this CR-102 someone owes me for my investment.

As a separate issue, unrelated to this docket, we have been working with Mr. Rose on his project to suggest changes to Title 80 and 81 RCW, which has been characterized by him

as resolving housekeeping issues. He has stated that it will not effect any substantive or policy changes. How then by talking to him do I expect to resolve rate (fare) issues which you claim are limiting factors in designing WAC code?

As to compliance with Executive Order 06-02 our concern is as stated: does the entire rewrite comply; is four and one years and two dockets with no resolution reasonable regulation; it is the obligation of staff and your AAG to determine this, not us. We are concerned that upon examination by the Governor's Office of Accountability and Performance it will not pass muster, we want a reassurance, we don't want to have to go through this again. You have stated that you have reviewed the code and that it is in compliance. As Executive Director we will accept your assurance. Will the Governor?

Another area of concern is that my letter to Ms. Hansen clearly listed the docket number and a copy was sent to records so that the other operators would have an opportunity to see what progress was being made and share the information contained within her response. It was NOT posted under the docket and was not disseminated on the WEB. Likewise your response, as of this date is not posted. The other operators will have no clue as to your position and the sudden change of focus here and the WUTC's reluctance to bring this issue to a close. How do you propose to notify them in a timely fashion so that they comment on the now proposed limited scope of this hearing? Are our comments now being censored by staff?

I spoke with Sen. Patty Murray today and will be meeting with State Rep. Barbra Bailey and Congressman Rick Larsen next week and State Sen. Haugen in the near future. One of the issues that we will cover, along with regional transportation issues, is what legislative changes are needed, if any, to empower the commission to pursue what should be our common goals and the relationship of Docket TC-020497 and TC-060177 to Executive Orders 97-02, 05-03 and 06-02.

I close by noting that neither my question regarding Commissioner Sidran's comments nor a copy of the proposed specific language changes have been addressed in your letter. We do not question because we are bored but because we expect excellence from our government and our regulators. We strive to provide the best products and services available, when we question a code, a procedure or an action it is because the process or motivation behind it is unclear to us and we wish to remain informed. We are held individually accountable for our actions, we only ask that those individuals who promulgate changes be prepared to explain or defend their position(s) when queried. It is our goal that private operators and the WUTC will work as partners to further transportation and its access to the public in our state.

I thank you in advance for you reply.

Mike Lauver

Distribution: David Danner; Chris Rose; Gene Eckhardt; Penny Hansen; Records