

In the Matter of the Application of: Eagle Towncar Service, LLC

Docket No. TC-240856 - Vol. I (March 14, 2025)



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<p>PROCEEDINGS COMMENCE</p> <p>1 March 14, 2025 9:37 a.m.</p> <p>2 -o0o-</p> <p>3</p> <p>4 JUDGE HUGHES: Good morning. It is Friday,</p> <p>5 March 14, 2025, and the time is approximately 9:37. My</p> <p>6 name is Bijan Hughes. I'm an administrative law judge at</p> <p>7 the Washington Utilities and Transportation Commission,</p> <p>8 and I'll be presiding over this matter.</p> <p>9 We are here today for a brief adjudicatory</p> <p>10 proceeding, or a BAP, for Dockets TC-240856 and</p> <p>11 TC-240898. I, for convenience, might refer to them by</p> <p>12 the last two letters, either 56 or 98, just because I</p> <p>13 transpose numbers. Sometimes it's easier for me. But</p> <p>14 feel free to use the full -- the full docket number. I</p> <p>15 think the record should be plenty clear.</p> <p>16 56 relates to Eagle Towncar's application for</p> <p>17 permanent authority.</p> <p>18 And 98 relates to PNTS's application for</p> <p>19 extension authority.</p> <p>20 Now, appearances. So let's take short</p> <p>21 appearances.</p> <p>22 And we're going to start with commission staff.</p> <p>23 ATTORNEY JONES: Good morning, your Honor. My</p> <p>24 name is Cassandra Jones. I'm an assistant attorney</p> <p>25 general here on behalf of commission staff.</p>	<p>PROCEEDINGS COMMENCE</p> <p>1 So we have -- so the first four cross exhibits,</p> <p>2 they have no objection indicated to those. And I believe</p> <p>3 that those would be fairly uncontroversial.</p> <p>4 JUDGE HUGHES: Good point. So the stipulation</p> <p>5 will extend to the first four of the cross exhibits. And</p> <p>6 I'll -- I'll distribute, I think, a list, just so people</p> <p>7 know what to cite to, but after the hearing.</p> <p>8 So first four, part of the stipulation.</p> <p>9 But 13, 14, and the other six are not.</p> <p>10 Does that sound right to everybody?</p> <p>11 ATTORNEY HOWARD: Yes, your Honor.</p> <p>12 JUDGE HUGHES: Very good. Okay, so I will --</p> <p>13 those records are so admitted as they are labeled in the</p> <p>14 filings.</p> <p>15 And I will distribute a copy of the final</p> <p>16 exhibit list, including the numbering on the cross</p> <p>17 exhibits, just so it can be part of the record in case of</p> <p>18 appeal.</p> <p>19 Okay. So outstanding matters. So before we</p> <p>20 discuss the procedure of the hearing today, there is a</p> <p>21 pending motion by PNTS to strike the objection made by</p> <p>22 Eagle Towncar in Docket TC-240898.</p> <p>23 And I've read the briefing provided, but I want</p> <p>24 to give each party an opportunity to make arguments prior</p> <p>25 to ruling on the record.</p>
<p>PROCEEDINGS COMMENCE</p> <p>1 JUDGE HUGHES: Welcome.</p> <p>2 Eagle Towncar?</p> <p>3 ATTORNEY HOWARD: Good morning, your Honor.</p> <p>4 Michael Howard with Williams Kastner appearing on behalf</p> <p>5 of Eagle Towncar Services, LLC.</p> <p>6 JUDGE HUGHES: Welcome.</p> <p>7 Pacific Northwest Transportation Services?</p> <p>8 ATTORNEY SO: Good morning, your Honor. My</p> <p>9 name is Michelle So, with the law firm of Holmquist and</p> <p>10 Gardiner, appearing today on behalf of Pacific Northwest</p> <p>11 Transportation Services, doing business as Capital</p> <p>12 Aeroporter and Premier Airport Shuttle.</p> <p>13 JUDGE HUGHES: Welcome.</p> <p>14 Okay. Next we will address exhibits.</p> <p>15 So I received three exhibit lists, or three</p> <p>16 witness lists, and two exhibit lists. And the parties</p> <p>17 have indicated that they will stipulate to the admission</p> <p>18 of all of the prefiled exhibits, with the exception of</p> <p>19 Eagle Towncar's cross exhibits and PNTS's exhibits marked</p> <p>20 13 and 14.</p> <p>21 So unless there are any objections, we will --</p> <p>22 well, any objections?</p> <p>23 ATTORNEY HOWARD: Your Honor, just for Eagle</p> <p>24 Towncar, just clarifying, I believe their objection was</p> <p>25 just to the last six cross exhibits.</p>	<p>PROCEEDINGS COMMENCE</p> <p>1 So we'll start with PNTS.</p> <p>2 ATTORNEY SO: Thank you, your Honor.</p> <p>3 It's our position, as detailed in our motion,</p> <p>4 that Eagle Towncar does not have standing to object</p> <p>5 because at the time Pacific Northwest Transportation</p> <p>6 Services -- I'm just going to refer to them as PNTS --</p> <p>7 filed this application on November 20, 2024, Eagle</p> <p>8 Towncar was not an existing auto transportation company</p> <p>9 holding a certificate that provides the same service in</p> <p>10 the same territory as the proposed service, which is</p> <p>11 required to be an objecting company.</p> <p>12 A careful read of the relevant WACs,</p> <p>13 specifically WAC 480-30-116 (2) and (3), which are</p> <p>14 concerning objections and adjudication of applications</p> <p>15 subject to an objection; and WAC 480-30-140 (3)(b),</p> <p>16 regarding determining whether an objecting company will</p> <p>17 provide the same service to the satisfaction of the</p> <p>18 commission, all support this analysis, that you must hold</p> <p>19 a certificate of the same -- for the same service in the</p> <p>20 same territory as the proposed service on the date of the</p> <p>21 filed application.</p> <p>22 This is further supported by the adjudication</p> <p>23 of application with the objection, which requires</p> <p>24 determining whether or not the objecting company will</p> <p>25 provide service to the satisfaction of the commission.</p>

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1 If you look at that specific WAC, 480-30-140 (3)(b), it
2 states when determining this, it's based on the objecting
3 company's performance regarding the criteria in (a) of
4 this subsection prior to the date an application for
5 proposed service is filed with the commission.

6 The consideration period will depend on the
7 circumstances, but will generally be for no more than one
8 year.

9 Policy-wise in real life implications, this all
10 makes complete sense, that you cannot have standing to
11 object unless the existing auto transportation company
12 holds a certificate at the time of the date of the
13 application for the proposed service.

14 Otherwise, you're going to have scenarios where
15 one company can apply for a permanent or extension of
16 authority, and other companies on the application docket
17 are notified of this. Then those other companies may
18 also apply for the same service in the same territory
19 through a temporary application, request an expedited
20 hearing or ruling, and get that application granted, and
21 then turn around and be able to object to the other
22 application that was filed.

23 And if this was allowed, this loophole would
24 allow any company who wanted to keep competition out by
25 becoming an objector in the same service and same

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1 JUDGE HUGHES: One moment. The motion was to
2 strike, but I believe I overruled your objection. I
3 don't believe the order said anything about striking
4 anything.

5 ATTORNEY SO: Right. You overruled our
6 objection. Correct, your Honor. And by overruling it,
7 in your order, under Footnote 8, you refer to Order 03
8 from Docket TC-130078.

9 And it's a very similar circumstance or
10 situation, where one company applied for a permanent
11 application for authority, and because the application
12 took a while, another competing objector company applied
13 for the same service by filing a rate table and time
14 schedule for nonstop service.

15 And in the order which you cite to, it
16 specifically states that the statute is construed
17 narrowly, and you will authorize an otherwise qualified
18 company to serve a route that the existing certificate
19 companies do not serve at the time the applicant files
20 for that authority.

21 I urge you and the commission and the staff to
22 review this Order 03 in Docket TC-130708 before ruling on
23 whether or not Eagle Towncar has standing to be an
24 objector.

25 Eagle Towncar, having been given the temporary

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1 territory after the date of an application for the
2 proposed service is filed with the commission.

3 The commission was smart and aware of this,
4 which is why a more detailed and streamlined process was
5 passed in 2013 regarding adjudication of an application
6 with an objection, which requires determining whether or
7 not the objecting company will provide service to the
8 satisfaction of the commission.

9 And when you look at that element, they ask you
10 to look for the preceding year prior to the date of
11 application the proposed service was filed.

12 This is also supported in prior orders issued
13 by the commission; for example, when we filed our app --
14 our objection to Eagle Towncar's temporary application,
15 you issued a Notice of Bench Request Number 1 under
16 Docket TC-240717. This is provided as one of our
17 exhibits, PNTS-14.

18 But you specifically asked, under its authority
19 of C-862, performed scheduled passenger service, whether
20 or not PNTS, under its authority, performs scheduled
21 passenger services between SeaTac Airport and Bellevue,
22 and if so, please list any such instances in the
23 preceding year.

24 And you denied and struck our objection in
25 Order 01 under Docket TC-240717.

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1 certificate of authority on November 27, 2024, was not
2 serving the route as applied for by PNTS on November 19th
3 or November 20th, 2024. Therefore, Eagle Towncar has no
4 standing as an objector to the extension of PNTS's
5 permanent authority.

6 Thank you, your Honor.

7 JUDGE HUGHES: Thank you. We'll have to put
8 that up.

9 Okay. Eagle Towncar, any response?

10 ATTORNEY HOWARD: Yes, your Honor. Eagle
11 Towncar responded in detail in our response in the
12 docket.

13 But I will address this briefly today. I think
14 this motion is a frankly absurd interpretation of
15 commission rules resulting in absurd results. And it is
16 absurd when one considers the greater context of this
17 situation.

18 PNTS is arguing that this allows any company to
19 become a bad faith objector, essentially, through
20 obtaining a temporary certificate. And that is simply
21 not true.

22 There are commission rules, including Section
23 156 in the auto trans rules, that limit when it is
24 appropriate to grant temporary certificates to prevent
25 such an unnecessary situation. That is not what we are

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1 faced with here.

2 And furthermore, it's all this -- this argument
3 is also overlooking, just over -- let's look at the basic
4 facts here: That Eagle Towncar applied for the temporary
5 certificate and it was granted that on November 27, and
6 then it filed its objection afterwards. So they clearly
7 had standing as a temporary certificate holder.

8 If the commission says that we do not have
9 standing because of our temporary certificate, then the
10 commission is essentially saying that that is
11 meaningless.

12 And also, the absurd result, which I describe
13 in paragraph 7 and 8 of our response, is that this would
14 allow an established company such as PNTS to file -- to
15 file and to bar any company seeking temporary
16 applications because a new company could never meet the
17 standard that they're setting forth. And that's the
18 absurd result.

19 And this just ties into -- frankly, this just
20 ties into PNTS's history of levying objections in several
21 proceedings -- and we're going to get into this today --
22 where they are not providing the same service.

23 And then the commission has to reject that.
24 But nevertheless, those costs are imposed on these new
25 companies trying to enter this market.

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1 into the rule by -- their argument essentially requires
2 the commission to insert language requiring us to have
3 the status when we apply, to have that -- they're
4 inserting language. And we explain that all in paragraph
5 5.

6 So we'd urge you to not -- to deny this motion.

7 JUDGE HUGHES: Staff, any thoughts on this?

8 ATTORNEY JONES: Thank you, your Honor. I'll
9 be very brief.

10 Staff does not take a position on PNTS's motion
11 to strike Eagle Towncar's objection. And that is why
12 staff did not file a brief on this matter. And as such,
13 staff is not going to be offering any arguments related
14 to the legal issues or any recommendations.

15 So we have nothing further to add to what's
16 been said this morning.

17 JUDGE HUGHES: Okay. Fair enough.

18 Okay. Having looked at the arguments, I will
19 be denying, or -- yeah. I will be denying the motion to
20 strike.

21 The stated infirmity that Eagle Towncar lacked
22 standing at the time of the application is an interesting
23 and novel interpretation, but I don't think it's the
24 correct standard. By having the relevant authority at
25 the time that it objected, I believe that does satisfy

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1 So this specific motion here is an absurd
2 interpretation that would take that even farther and
3 ignore our temporary certificate rights.

4 And it should be denied for all the reasons set
5 forth in our motion.

6 I also think it's very interesting that Ms. So
7 is now today referring to the one-year test period for
8 satisfactory service as if that is itself a requirement.

9 So that is further showing the absurdio ad
10 reductum of this, because that would -- she's implying
11 that we have to be serving for a year before we have
12 standing to object and defend our certificate rights. And
13 that is simply false, and that's nowhere in the rules.

14 Their citation to Bench Request 1 that your
15 Honor issued earlier is simply irrelevant. Bench Request
16 1, as Eagle Towncar understands, was clarifying with PNTS
17 whether they were providing the same service. And PNTS
18 had to admit, following that bench request, that they in
19 fact were not, despite all their equivocations and
20 misleading claims leading up to that. That has nothing
21 to do with whether we have standing.

22 I would urge your Honor to reject this
23 unsupported motion.

24 And I'd also note paragraph 5 of our response,
25 where we explain that they're actually reading language

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1 the standard for valid objection here.

2 And so, yes, motion will be denied, is denied,
3 and we will proceed with both applications without the
4 objection being stricken.

5 So the next is the question of consolidation.

6 It strikes me there are administrative efficiencies in
7 handling these matters together, but I would like to hear
8 from the parties.

9 Staff, is this part of your no opinion piece,
10 or thoughts on consolidation?

11 ATTORNEY JONES: Yes, your Honor. Staff does
12 support consolidation of the applications under the
13 commission's rule, WAC 480-30-131. Staff feels that the
14 rule is met in this case, and that it does make sense to
15 consolidate these applications for administrative
16 efficiency. Thank you.

17 JUDGE HUGHES: Thank you.

18 Eagle Towncar?

19 ATTORNEY HOWARD: Thank you, your Honor.

20 We would support, generally support
21 consolidation for the purposes of administrative
22 efficiency.

23 But I think that that should not eclipse
24 distinctions that are very relevant under the auto trans
25 rules under WAC 480-30, and particularly following your

<p>PROCEEDINGS COMMENCE</p> <p>1 Honor's ruling just a moment ago denying their motion to 2 strike our objection.</p> <p>3 So any consolidation should reflect and respect 4 the fact that Eagle Towncar now has an objection to 5 PNTS's application in TC-240898.</p> <p>6 But PNTS at this moment has no valid objection 7 to Eagle Towncar's permanent application.</p> <p>8 And our temporary application is already 9 resolved.</p> <p>10 Therefore, we would support consolidation, but 11 we would object heartily to any attempts by PNTS to 12 challenge Eagle Towncar's fitness or the affirmative 13 evidence supporting our permanent application request in 14 240856.</p> <p>15 And I'm happy to clarify and to continue to 16 maintain that distinction in my own comments today.</p> <p>17 JUDGE HUGHES: Let me ask, they did -- they did 18 file -- well, this will be a question, I suppose, for 19 Mr. Remfrey later, so that's fair.</p> <p>20 PNTS, your position on consolidation?</p> <p>21 ATTORNEY SO: Your Honor, we are agreeable to 22 consolidation, but again, kind of just what Mr. Howard 23 was reiterating. We're agreeable to proceed if that does 24 not mean that we are not able to cross-examine their 25 witnesses, you know, moving forward, just because we no</p>	<p>PROCEEDINGS COMMENCE</p> <p>1 And it reflects a misunderstanding of the rule.</p> <p>2 JUDGE HUGHES: So my understanding is they 3 weren't same service. But was that not prior to the 4 application to expand?</p> <p>5 The ruling on same service was based off of the 6 original.</p> <p>7 ATTORNEY SO: Correct, your Honor.</p> <p>8 JUDGE HUGHES: Right. And you've since moved to 9 expand to --</p> <p>10 ATTORNEY SO: To expand our application, 11 correct.</p> <p>12 JUDGE HUGHES: Right.</p> <p>13 And has that been decided, if those two are the 14 same?</p> <p>15 ATTORNEY SO: That has not been decided. That 16 is what consolidating these two applications are about, 17 whether or not our application is -- the proposed service 18 is the same scheduled service as Eagle Towncar's 19 permanent application.</p> <p>20 JUDGE HUGHES: Mr. Howard?</p> <p>21 ATTORNEY HOWARD: That is incorrect, your 22 Honor, for several reasons.</p> <p>23 JUDGE HUGHES: Okay.</p> <p>24 ATTORNEY HOWARD: But I will just briefly state 25 that the proposed additional routes in Kirkland and</p>
<p>PROCEEDINGS COMMENCE</p> <p>1 longer have an objection in their permanent application.</p> <p>2 JUDGE HUGHES: Yes, Mr. Howard.</p> <p>3 ATTORNEY HOWARD: Thank you, your Honor.</p> <p>4 I would just reiterate the distinction that 5 we're going to be making today, that we are going to 6 consistently object to any attempts by them to cross any 7 of our witnesses on our affirmative case in 240856. And 8 that would include the company's fitness or Eagle 9 Towncar's service or anything of that nature.</p> <p>10 In our view, the only appropriate cross that 11 they could levy against any of our witnesses would be to 12 the extent those witnesses are offering testimony 13 challenging -- challenging the application 240898.</p> <p>14 ATTORNEY SO: Your Honor, cross-examining could 15 lead to determining whether or not the companies are 16 providing the same service or not. So we should be 17 allowed to cross-examine and find out that information, 18 whether or not Eagle Towncar's application is providing 19 the same service as my client's.</p> <p>20 JUDGE HUGHES: Mr. Howard?</p> <p>21 ATTORNEY HOWARD: Your Honor, the issue of same 22 service has already been ruled on. PNTS has repeatedly 23 misunderstood this issue in this proceeding and past 24 proceedings. Your Honor has already addressed this, and 25 this is irrelevant in this stage. Completely irrelevant.</p>	<p>PROCEEDINGS COMMENCE</p> <p>1 Redmond are essentially shell filings without any 2 customer support.</p> <p>3 Ostensibly, Eagle Towncar, if in another 4 situation, in another set of facts, another case, Eagle 5 Towncar might not have standing to object to those routes 6 if they were severed.</p> <p>7 But that should not happen here as a matter of 8 your discretion because of the specific facts here that 9 these are essentially shell -- these are sketched-out 10 ideas for routes without any actual meaningful underlying 11 customer support, and we should have a right to challenge 12 those.</p> <p>13 ATTORNEY SO: Your Honor, I'm not sure what 14 Mr. Howard was just saying, but if you look to the order 15 for the -- Eagle Towncar's temporary application, that 16 was regarding our objection at the time of PNTS's 17 certificate at that time. It was not based off of our 18 extension application.</p> <p>19 JUDGE HUGHES: Okay. Let me turn to staff. Is 20 there the staff view that there's an issue of overlapping 21 authority?</p> <p>22 Are these two companies claiming the same 23 territory right now, or is that an issue of fact for us 24 to determine here?</p> <p>25 ATTORNEY JONES: Your Honor, I think that's an</p>

<p>PROCEEDINGS COMMENCE</p> <p>1 issue of fact to determine whether it's -- that's one of 2 the considerations for determining an objection, is 3 whether there's a company that's -- the objecting company 4 is already providing service in that territory.</p> <p>5 So I would see that as a factual issue.</p> <p>6 JUDGE HUGHES: Okay. And I'm inclined to allow 7 cross.</p> <p>8 And then to the extent that it'll go to the 9 weight of the evidence, I think perhaps if that -- that 10 shouldn't -- I believe, like, we're all here -- both of 11 you are concerned with the same thing. I suppose I just 12 -- I don't quite see the prejudice in allowing 13 consolidation, but then not allowing cross. I think.</p> <p>14 Yes, Mr. Howard.</p> <p>15 ATTORNEY HOWARD: Yes, your Honor. What Ms. So 16 is suggesting by -- by trying to bring this under some 17 sort of umbrella of an inquiry into whether we're 18 providing the same service as them generally, they're 19 trying to overlook -- they're trying to get around the 20 fact that your Honor has stricken their objections and 21 that they don't have any valid standing -- stricken their 22 objection in 240717, and they never filed an objection in 23 240856.</p> <p>24 And they desperately need to get around that by 25 raising this issue of whether we're providing the same</p>	<p>PROCEEDINGS COMMENCE</p> <p>1 Towncar's witnesses related to their fitness, those 2 issues that would be decided under that permanent 3 application, because they have not properly objected to 4 that application. So that's the way staff sees it.</p> <p>5 So to the point about cross-examination, staff 6 agrees that it wouldn't be appropriate for PNTS to 7 cross-examine on those issues that are strictly related 8 to Eagle Towncar's permanent application.</p> <p>9 ATTORNEY SO: Your Honor, that is regarding 10 fitness. And I don't believe that is part of the 11 analysis when determining same service.</p> <p>12 The fitness is left to the commission to 13 proceed after it's determined whether or not same service 14 has been, you know, determined or not.</p> <p>15 JUDGE HUGHES: Mr. Howard.</p> <p>16 ATTORNEY HOWARD: Just to briefly state the -- 17 again, the issue of same service is irrelevant in this 18 specific sense: They are not providing these services 19 already, so how can we provide the same service?</p> <p>20 That's not the question we are facing today.</p> <p>21 JUDGE HUGHES: Okay. Ms. Jones, thank you for 22 that citation. That's very helpful.</p> <p>23 I am going to grant consolidation under WAC 24 480-30-131 when we get to the -- one moment, please. 25 Yes, so I will be granting consolidation under</p>
<p>PROCEEDINGS COMMENCE</p> <p>1 service. And that should not be the case.</p> <p>2 They have no standing to object to 3 Mr. Selewondim's permanent application for this route.</p> <p>4 ATTORNEY SO: Your Honor, we're not objecting. 5 You've already ruled on that.</p> <p>6 But part of determining whether or not PNTS's 7 application can be approved is you have to see whether or 8 not the objecting company is providing the same service 9 in the same territory. That is just part of the 10 proceeding.</p> <p>11 I don't understand why we would not be allowed 12 to cross-examine and be able to show whether or not the 13 same service is being provided, or if there's 14 comparability or differentiation between the companies 15 and their services.</p> <p>16 JUDGE HUGHES: Ms. Jones.</p> <p>17 ATTORNEY JONES: Your Honor, I just wanted to 18 add to this discussion under WAC 480-30-116, and I 19 believe it's (2)(b) that addresses failure to file 20 objections on time. A person who fails to file an 21 objection within the 30-day notice period may not in any 22 way participate further in the proceeding.</p> <p>23 So staff interprets that as, I think similar, I 24 think, if I'm interpreting what Mr. Howard is saying, 25 that PNTS wouldn't be able to cross-examine Eagle</p>	<p>PROCEEDINGS COMMENCE</p> <p>1 480-030-131.</p> <p>2 It does appear that there is not a timely 3 objection to the permanent authority.</p> <p>4 And so when we get there -- well, I'll allow 5 Eagle Towncar to put on its case. And when we get there, 6 we can talk about specific objections to cross, but just 7 -- just for the sake of efficiency, so we're not 8 recalling witnesses between one case or between the two 9 matters, I think I'm inclined to allow cross, and we can 10 get to specific objections when we get there -- yeah, 11 just because of the overlapping nature.</p> <p>12 So let's -- we'll move forward. Sorry.</p> <p>13 We're going to begin with Eagle Towncar's 14 application, the docket ending in 56.</p> <p>15 And I guess before we get into the roadmap, are 16 there any other motions or requests for the parties?</p> <p>17 ATTORNEY HOWARD: None from Eagle Towncar, your 18 Honor.</p> <p>19 JUDGE HUGHES: Hearing nothing, let's discuss 20 our schedule, roadmap. I'd like to write a roadmap for 21 today's brief adjudicatory proceeding.</p> <p>22 At the risk of being overly reductive, we are 23 here today with two companies having filed, let's say, 24 dueling applications for authority, and each in turn has 25 objected to the other's applications. But there are many</p>

<p>PROCEEDINGS COMMENCE</p> <p>1 dockets, so not all of them, I suppose, have been 2 objected to.</p> <p>3 Eagle Towncar has a pending application for 4 permanent authority, and PNTS has a pending application 5 for an extension authority.</p> <p>6 I'm not going to fully recount the procedural 7 history of this case, but I know that this matter and 8 related matters have been scheduled and rescheduled 9 several times, at least since, I believe, November. I'm 10 so glad we could all get together.</p> <p>11 An applicant has the burden to show that a 12 permit should be issued, but in this case, given the 13 dueling nature, I think it makes sense to have commission 14 staff present its case first and then give both companies 15 an opportunity to respond to it.</p> <p>16 Staff will have an opportunity to give a brief 17 overview of its position.</p> <p>18 Afterwards, staff will introduce its witness, 19 Mr. Patrick Remfrey, who will testify about the staff's 20 assessment. The parties will then have the opportunity to 21 ask Mr. Remfrey questions when he's finished testifying.</p> <p>22 We will then proceed with Eagle Towncar, who 23 will have an opportunity to give a brief overview of its 24 case, after which I will swear in the first witness, 25 present its case, followed by an opportunity to ask</p>	<p>OPENING STATEMENT BY STAFF</p> <p>1 Honor.</p> <p>2 JUDGE HUGHES: Okay. Staff, you do have an 3 opportunity to make a brief opening statement. I 4 understand if you don't want to, and then we can proceed 5 to swearing in the witness.</p> <p>6 ATTORNEY JONES: Thank you, your Honor.</p> <p>7</p> <p>8 OPENING STATEMENT BY COMMISSION STAFF</p> <p>9 For the record, I'm Cassandra Jones, assistant 10 attorney general, appearing on behalf of commission 11 staff.</p> <p>12 I'll just briefly describe staff's limited role 13 in this hearing. Staff's participation in hearings of 14 this type is to help ensure a clear record.</p> <p>15 And to that end, staff will not be taking a 16 position today with respect to Eagle Towncar's objection 17 that was filed in PNTS's extension application, and will 18 not be offering any evidence related to that objection, 19 though I may along the way have some clarifying questions 20 for any witnesses that testify.</p> <p>21 Staff does have a witness to present today, 22 Patrick Remfrey, who will testify to staff's review of 23 the application materials filed by the companies in these 24 two dockets and whether they meet the requirements of 25 commission WACs for companies' fitness to operate.</p>
<p>PROCEEDINGS COMMENCE</p> <p>1 questions.</p> <p>2 Last, we will proceed to PNTS, who will have an 3 opportunity to give a brief overview of its case, after 4 which I will swear in their first witness to present its 5 case, followed by an opportunity for cross.</p> <p>6 And once all of the witnesses have testified, 7 all three parties will be given an opportunity to make a 8 closing statement.</p> <p>9 Are there any questions?</p> <p>10 Hearing none, I -- yes.</p> <p>11 ATTORNEY HOWARD: Your Honor, I -- small 12 question here. To the extent that our witnesses will 13 discuss, let's say, the proposed Kirkland or Redmond 14 routes that are in 240898, do you want us to include that 15 all in our presentation of our witnesses?</p> <p>16 And then we'll allow cross and walk through 17 specific instances of objections there, as your Honor was 18 indicating earlier?</p> <p>19 JUDGE HUGHES: Yes, I think so. I think I'd 20 like each party to put on whatever case they prepared, 21 and, you know, to the extent that there's -- 22 cross-pollination is, I think, the wrong word. But I 23 think you all understand. We'll work at it when we get 24 there.</p> <p>25 ATTORNEY HOWARD: All right. Thank you, your</p>	<p>OPENING STATEMENT BY STAFF</p> <p>1 Staff has reviewed the application materials of 2 Eagle Towncar, and it does not object to the application 3 based on what the company filed.</p> <p>4 Similarly, staff does not take issue with 5 PNTS's application materials that it filed for extension 6 of its authority, again, based on what's been filed.</p> <p>7 Other than that, there -- as we've discussed 8 this morning, that there is a pending objection that's 9 filed in that PNTS docket.</p> <p>10 So that is the extent of the information that 11 staff will be presenting today.</p> <p>12 And with that, I would like to call Patrick 13 Remfrey.</p> <p>14 JUDGE HUGHES: Okay. Let's see. You are on 15 camera. So you unmuted.</p> <p>16 Please raise your right hand.</p> <p>17 Do you swear under penalty of perjury that the 18 testimony offered is the truth, the whole truth, and 19 nothing but the truth?</p> <p>20 THE WITNESS: I do, you, Honor.</p> <p>21 JUDGE HUGHES: Very good.</p> <p>22 Please proceed, counselor.</p> <p>23 ATTORNEY JONES: Thank you.</p> <p>24</p> <p>25</p>

<p>DIRECT EXAMINATION OF RENFREY BY JONES</p> <p>1 PATRICK RENFREY, witness herein, having been first</p> <p>2 duly sworn on oath, was examined</p> <p>3 and testified as follows:</p> <p>4</p> <p>5 DIRECT EXAMINATION</p> <p>6 BY ATTORNEY JONES:</p> <p>7 Q Good morning, Mr. Remfrey. Would you please</p> <p>8 state your name and spell your last name for the record?</p> <p>9 A Patrick Remfrey, spelled R-E-M-F-R-E-Y.</p> <p>10 Q And Mr. Remfrey, where are you employed?</p> <p>11 A I am employed at the Washington Utilities and</p> <p>12 Transportation Commission.</p> <p>13 Q What position do you hold at the commission?</p> <p>14 A I am the licensing services manager in the</p> <p>15 Transportation Safety Division.</p> <p>16 Q Would you please describe your duties in your</p> <p>17 position?</p> <p>18 A I oversee licensing and insurance filing for</p> <p>19 all the transportation industries that the commission</p> <p>20 regulates.</p> <p>21 Q Do you perform any duties with respect to the</p> <p>22 regulation of auto transportation companies under WAC</p> <p>23 Chapter 480-30?</p> <p>24 A Yes, I do.</p> <p>25 Q What are your duties relating to auto</p>	<p>DIRECT EXAMINATION OF RENFREY BY JONES</p> <p>1 evaluating certificate applications?</p> <p>2 A The company must meet financial, safety, and</p> <p>3 insurance requirements.</p> <p>4 They must also prove -- or sorry -- provide</p> <p>5 evidence that the service is needed by the community that</p> <p>6 they wish to serve.</p> <p>7 The applications are also subject to a</p> <p>8 requirement to be posted on a 30-day application docket</p> <p>9 and are subject to protest, so they must clear that as</p> <p>10 well before ultimately being approved.</p> <p>11 Q And are you familiar with the company Eagle</p> <p>12 Towncar?</p> <p>13 A Yes, I am. I initially became aware of them in</p> <p>14 2023, when they applied for and were granted charter</p> <p>15 excursion authority, and then much more familiar since</p> <p>16 last fall, when they applied for and eventually received</p> <p>17 the auto transportation -- the temporary auto</p> <p>18 transportation certificate, and then this ongoing</p> <p>19 application for permanent authority.</p> <p>20 Q Okay. So have you -- so then it sounds like</p> <p>21 you have. Have you reviewed Eagle Towncar's application</p> <p>22 for permanent authority?</p> <p>23 A Yes, I have.</p> <p>24 Q Okay. Thank you.</p> <p>25 And did you review the application to determine</p>
<p>DIRECT EXAMINATION OF RENFREY BY JONES</p> <p>1 transportation companies?</p> <p>2 A My duties include reviewing the processing of</p> <p>3 applications for passenger auto transportation companies,</p> <p>4 both new and existing authority extensions.</p> <p>5 Q Are you familiar with the commission standards</p> <p>6 for granting a certificate to provide auto transportation</p> <p>7 services?</p> <p>8 A Yes, I am.</p> <p>9 Q Would you please describe staff's process for</p> <p>10 reviewing applications for certificates for auto</p> <p>11 transportation authority?</p> <p>12 A Sure. We review application materials for</p> <p>13 completeness and validity.</p> <p>14 We ensure over the course of the application</p> <p>15 that the commission receives all materials as required by</p> <p>16 WAC 480-30-096. If items are missing, we request them</p> <p>17 from the company and ensure everything is received and</p> <p>18 reviewed before an application is approved.</p> <p>19 For new companies, things like tariffs require</p> <p>20 a lot of back and forth between the company, regulatory</p> <p>21 services, and consumer protection. So licensing usually</p> <p>22 serves as the go-between.</p> <p>23 We also work with safety to get things like new</p> <p>24 entrant inspections complete.</p> <p>25 Q And what is staff looking for when it's</p>	<p>DIRECT EXAMINATION OF RENFREY BY JONES</p> <p>1 whether it met all the standards that you just described?</p> <p>2 A Yes.</p> <p>3 Q Does Eagle Towncar's application for permanent</p> <p>4 authority appear to satisfy those standards?</p> <p>5 A Yes, it does, because the company has now met</p> <p>6 financial, safety, and insurance requirements required</p> <p>7 for an auto transportation company, as well as</p> <p>8 demonstrated through the support statements submitted</p> <p>9 that the service was needed through -- in the Bellevue</p> <p>10 area. And the application was not protested.</p> <p>11 Q Now there is a -- there is a second application</p> <p>12 issue in this hearing that was filed by Pacific Northwest</p> <p>13 Transportation Services, or PNTS, correct?</p> <p>14 A Yes, there is.</p> <p>15 Q Okay. What is PNTS requesting from the</p> <p>16 commission in that application docket?</p> <p>17 A PNTS initially requested to extend their</p> <p>18 authority to provide scheduled passenger service between</p> <p>19 Seattle-Tacoma International Airport and the downtown</p> <p>20 areas of Redmond, Kirkland, and Bellevue, with major</p> <p>21 hotels and ground transportation centers being the pickup</p> <p>22 and dropoff locations.</p> <p>23 Q And did staff review PNTS's application for</p> <p>24 extension of its operating authority?</p> <p>25 A Yes.</p>

<p>DIRECT EXAMINATION OF RENFREY BY JONES</p> <p>1 Q And when you're -- when staff is reviewing</p> <p>2 extension applications, what is staff looking for?</p> <p>3 A It's generally the same as with a new</p> <p>4 application. However, because the commission already has</p> <p>5 detailed financial information from previously filed</p> <p>6 annual reports, current insurance filings, and previous</p> <p>7 safety investigations, an existing company doesn't need</p> <p>8 to duplicate those items for an extension application.</p> <p>9 They still need to indicate that the service is</p> <p>10 needed, and that the application is subject to the 30-day</p> <p>11 application docket and can be protested.</p> <p>12 Q Did you review PNTS's application to determine</p> <p>13 whether it met those operating standards that you've</p> <p>14 described today?</p> <p>15 A Yes.</p> <p>16 Q Okay. And does PNTS's application appear to</p> <p>17 satisfy those standards?</p> <p>18 A It does now.</p> <p>19 It did not initially, because the company</p> <p>20 requested kind of a vague territory, saying they just</p> <p>21 wanted to serve these cities and major areas. And WAC</p> <p>22 480-30-096, Item (3)(a)(ii) for scheduled services, which</p> <p>23 is what they applied for, requires that the locations be</p> <p>24 named in their application specifically by the company.</p> <p>25 So staff conferred -- we conferred with ALD, as</p>	<p>CROSS EXAMINATION OF RENFREY BY HOWARD</p> <p>1 check. It's been a little while. But yes, the company</p> <p>2 has had that name added to its Wiki profile.</p> <p>3 And I am just going to verify that we also</p> <p>4 added it to the temporary certificate. Yes, we added</p> <p>5 that pending that application a few months ago. So the</p> <p>6 DBA Bellevue Airport Shuttle is on the temporary</p> <p>7 certificate, TAC-071487.</p> <p>8 Q Thank you. And was the docket for that issue</p> <p>9 TC-250021?</p> <p>10 A Yes, it was.</p> <p>11 Q All right. And as a general matter, in your</p> <p>12 experience at the commission, does the commission grant</p> <p>13 the same -- the exact same trade name to more than one</p> <p>14 company?</p> <p>15 A We do not generally.</p> <p>16 But in the application WAC on (inaudible) on</p> <p>17 name changes for auto transportation companies, it's</p> <p>18 specifically cited as something that is not protestable.</p> <p>19 I can tell you, at least in my time at the</p> <p>20 commission, this has never come up within the auto</p> <p>21 transportation industry as two companies trying to use</p> <p>22 the same name.</p> <p>23 It's come up in household goods more than once,</p> <p>24 though.</p> <p>25 Q All right. Could -- and I believe -- do you</p>
<p>CROSS EXAMINATION OF RENFREY BY HOWARD</p> <p>1 our interpretation was those needed to be spelled out.</p> <p>2 And we talked to the company and compared it to their</p> <p>3 tariff.</p> <p>4 And what we ultimately posted to the</p> <p>5 application docket was the specific locations that they</p> <p>6 were asking to serve.</p> <p>7 So once that detail was ironed out, it was a</p> <p>8 perfectly fine application and very complete.</p> <p>9 ATTORNEY JONES: I have no further questions.</p> <p>10 Thank you.</p> <p>11 JUDGE HUGHES: PNTS, do you have any questions</p> <p>12 for him?</p> <p>13 ATTORNEY SO: Your Honor, not at this time.</p> <p>14 JUDGE HUGHES: Okay. Eagle, any cross?</p> <p>15 ATTORNEY HOWARD: Yes, your Honor. Sorry.</p> <p>16 Mouse trouble.</p> <p>17</p> <p>18 CROSS-EXAMINATION</p> <p>19 BY ATTORNEY HOWARD:</p> <p>20 Q Okay. Good morning, Mr. Remfrey. Just a</p> <p>21 couple of questions.</p> <p>22 Is it correct that the commission added the</p> <p>23 trade name Bellevue Airport Shuttle to Eagle Towncar's</p> <p>24 temporary certificate?</p> <p>25 A The temporary certificate? Let me double</p>	<p>CROSS EXAMINATION OF RENFREY BY HOWARD</p> <p>1 have access to PNTS Exhibit 10, which I believe has been</p> <p>2 admitted already into the record?</p> <p>3 A Would that be in the filed docket, or documents</p> <p>4 for their pending application?</p> <p>5 Q Yes, it should. It should be -- I believe it</p> <p>6 should be in either 240856 or 240898, but it would be the</p> <p>7 PNTS-10. Bear with me.</p> <p>8 JUDGE HUGHES: I'm going to drop a link to the</p> <p>9 cases' location to the extent that people can click that.</p> <p>10 THE WITNESS: That would be very helpful.</p> <p>11 JUDGE HUGHES: Yes. So that's in the chat for</p> <p>12 the Zoom.</p> <p>13 THE WITNESS: All right. I have it up.</p> <p>14 Q (By Attorney Howard) All right. Thank you.</p> <p>15 Can you turn to page 2 of that exhibit?</p> <p>16 A Yeah.</p> <p>17 Q And let me -- all right. Thank you.</p> <p>18 And feel free to take a moment to review this.</p> <p>19 But does it appear -- or do you recognize what this would</p> <p>20 be?</p> <p>21 A It would appear to be a screenshot for the</p> <p>22 Premier Airport Shuttle website.</p> <p>23 Q And does this website use the term Bellevue</p> <p>24 Airport Shuttle?</p> <p>25 A It does.</p>

<p>QUESTIONS FROM THE BENCH</p> <p>1 Q And is it capitalized?</p> <p>2 Are all three of those words capitalized in</p> <p>3 more than one instance?</p> <p>4 A It is.</p> <p>5 Q All right. Thank you.</p> <p>6 And are you familiar with -- you referred to</p> <p>7 the WACs earlier. Are you familiar with WAC 480-30-086,</p> <p>8 and would you be able to pull that up?</p> <p>9 A Yes. Stand by. All right. Go ahead.</p> <p>10 Q All right. I'm going to look at paragraph</p> <p>11 (2)(c), and I'm going to read this sentence: "A company</p> <p>12 may not operate under a company name or trade name that</p> <p>13 is similar to that of another company if the use of the</p> <p>14 similar name misleads the public or results in unfair or</p> <p>15 destructive competitive practices, end quote.</p> <p>16 Did I read that right?</p> <p>17 A Quite correct.</p> <p>18 ATTORNEY HOWARD: All right. Thank you.</p> <p>19 No further questions.</p> <p>20 JUDGE HUGHES: Thank you. I have one question</p> <p>21 for you, maybe two.</p> <p>22</p> <p>23 QUESTIONS FROM THE BENCH</p> <p>24 JUDGE HUGHES: Mr. Remfrey, I understand that</p> <p>25 PNTS filed an objection for the temporary authority that</p>	<p>CROSS-EXAMINATION BY ATTORNEY SO</p> <p>1 questions?</p> <p>2 JUDGE HUGHES: Oh, yes. Yes, you can.</p> <p>3 ATTORNEY SO: Thank you.</p> <p>4</p> <p>5 CROSS-EXAMINATION</p> <p>6 BY ATTORNEY SO:</p> <p>7 Q Mr. Remfrey, you initially stated that PNTS's</p> <p>8 application initially had to be worked on in terms of the</p> <p>9 territory described was vague in the application. Can</p> <p>10 you kind of explain what occurred and what you mean by</p> <p>11 that?</p> <p>12 A Yes. Stand by a second.</p> <p>13 Q And if possible, provide dates.</p> <p>14 A The application as submitted on -- I believe it</p> <p>15 was November 20th. Please correct me if I'm wrong. I</p> <p>16 have very many windows open. I'm trying to find the</p> <p>17 right one -- requested scheduled service between SeaTac</p> <p>18 and downtown areas of Redmond, Kirkland, and Bellevue,</p> <p>19 major hotels and ground transportation centers as the</p> <p>20 pickup and dropoff points.</p> <p>21 However, they were applying for an extension of</p> <p>22 their certificate authority. And the WAC 480-30-096 for</p> <p>23 certificates states the scheduled service must be between</p> <p>24 locations specifically named by the company and points</p> <p>25 named by the company in its filed tariff and time</p>
<p>QUESTIONS FROM THE BENCH</p> <p>1 Eagle Towncar submitted, and that ultimately that</p> <p>2 objection was overruled.</p> <p>3 But was that considered as a public comment in</p> <p>4 the permanent authority, or considered in any way by you?</p> <p>5 THE WITNESS: No.</p> <p>6 JUDGE HUGHES: The allegations made?</p> <p>7 THE WITNESS: Not --</p> <p>8 JUDGE HUGHES: No? Okay.</p> <p>9 THE WITNESS: Not since it was overruled.</p> <p>10 JUDGE HUGHES: And if PNTS had submitted that</p> <p>11 as a public comment, not as an intervenor, would it have</p> <p>12 been considered in the permanent application in your</p> <p>13 analysis?</p> <p>14 THE WITNESS: Yes, I think had it been</p> <p>15 submitted like that, we would have taken it to open</p> <p>16 meeting on a regular agenda item.</p> <p>17 JUDGE HUGHES: Okay. And just to be clear,</p> <p>18 these two companies, can they both have authority at the</p> <p>19 same time under our regulations for what they're asking</p> <p>20 for?</p> <p>21 THE WITNESS: Not unless the commission</p> <p>22 specifically grants it, is my understanding.</p> <p>23 JUDGE HUGHES: Okay. Very good. Thank you.</p> <p>24 Okay. I believe that was staff's only witness.</p> <p>25 ATTORNEY SO: Your Honor, can I ask a few</p>	<p>CROSS-EXAMINATION BY ATTORNEY SO</p> <p>1 schedule.</p> <p>2 They had put the points specifically in the</p> <p>3 tariff that they included with their filing, but not for</p> <p>4 what they were specifically trying to add to their</p> <p>5 certificate.</p> <p>6 So we had conferred between staff and ALD and</p> <p>7 determined that that does need to be specifically spelled</p> <p>8 out, as Eagle Towncar's application was.</p> <p>9 We informed the company that we could not</p> <p>10 notice with just vague geographical regions as cities,</p> <p>11 and required that we'd specifically put on their</p> <p>12 application docket notice, which is what if everything</p> <p>13 went, you know, perfect for the company, no protests, no</p> <p>14 -- just a clean application went through, would be what</p> <p>15 would end up on their certificate.</p> <p>16 So we added those to the docket notice that</p> <p>17 went out on November 25th to begin that 30-day protest</p> <p>18 period.</p> <p>19 Q And so you stated that they had been specific</p> <p>20 enough in their certificate, but they just failed to put</p> <p>21 it in their tariff. And so once they made --</p> <p>22 A Other way around. Other way around.</p> <p>23 Q Sorry. Okay. Okay. So then it was in their</p> <p>24 tariff, specified when they submitted it on November</p> <p>25 20th, but it just was not in the certificate.</p>

<p>CROSS-EXAMINATION BY ATTORNEY SO</p> <p>1 And then they added it to the certificate the</p> <p>2 same --</p> <p>3 A Yeah.</p> <p>4 Q Okay. And then it was approved. Okay. Great.</p> <p>5 Thank you.</p> <p>6 A Yeah.</p> <p>7 Q Thank you.</p> <p>8 JUDGE HUGHES: Okay. Mr. Remfrey, thank you</p> <p>9 for your time.</p> <p>10 Staff, I believe, do you have any other</p> <p>11 witnesses?</p> <p>12 ATTORNEY JONES: Staff has no further</p> <p>13 witnesses.</p> <p>14 JUDGE HUGHES: Okay, good. Never had a</p> <p>15 surprise witness, but, you know, you never know. Very</p> <p>16 good.</p> <p>17 Okay. So Eagle Town -- or Eagle Towncar is</p> <p>18 going to present next. You will have an opportunity for</p> <p>19 an opening statement to make a brief summary of your</p> <p>20 case. And you can choose not to.</p> <p>21 And if so, we can proceed to the first witness,</p> <p>22 which I believe, just so you're on deck, is Mr. -- I</p> <p>23 apologize if I say this incorrectly, but Mr. Selewondim?</p> <p>24 ATTORNEY HOWARD: I believe that's correct,</p> <p>25 your Honor. Thank you.</p>	<p>OPENING STATEMENT BY PROTESTANT</p> <p>1 our supporting statements to those contemplated by WAC</p> <p>2 480-30, you will note that very notably, we have the</p> <p>3 regional travel organization at issue, which is Visit</p> <p>4 Bellevue, supporting Mr. Selewondim's application. And</p> <p>5 you're going to hear from them today.</p> <p>6 And Mr. Selewondim has also provided supporting</p> <p>7 statements. And we are -- in the interests of economy,</p> <p>8 we aren't going to go through each of the hotels that he</p> <p>9 has stopped at. But there are written statements in the</p> <p>10 record from each stop on his route that he has developed.</p> <p>11 And there's true community customer support for this</p> <p>12 route that Mr. Selewondim has developed.</p> <p>13 This should all be a very straightforward</p> <p>14 matter so Mr. Selewondim can pursue this business</p> <p>15 opportunity that he has spent years working towards.</p> <p>16 But unfortunately, we must also address PNTS's</p> <p>17 filings in TC-240898. What is clear is that PNTS's</p> <p>18 proposal to overlap Eagle Towncar's route was developed</p> <p>19 only after PNTS -- after Eagle Towncar filed its</p> <p>20 temporary application and gave notice that it was</p> <p>21 pursuing this.</p> <p>22 The evidence will show that PNTS essentially</p> <p>23 disregarded Visit Bellevue until it found out that Eagle</p> <p>24 Towncar was going to provide a service for them.</p> <p>25 For PNTS to suggest that there are enough</p>
<p>OPENING STATEMENT BY PROTESTANT</p> <p>1 JUDGE HUGHES: Thanks.</p> <p>2 ATTORNEY HOWARD: And we would like to use our</p> <p>3 opportunity for an opening statement, and then we will</p> <p>4 proceed through our witnesses. I'll try to keep my</p> <p>5 opening statement relatively brief, your Honor.</p> <p>6</p> <p>7 OPENING STATEMENT BY THE PROTESTANT</p> <p>8 ATTORNEY HOWARD: So, good morning again, your</p> <p>9 Honor. Michael Howard appearing on behalf of Eagle</p> <p>10 Towncar.</p> <p>11 We believe the evidence will show very -- in a</p> <p>12 very straightforward manner that there is in fact a need</p> <p>13 for Eagle Towncar service on a permanent basis, and that</p> <p>14 Eagle Towncar meets all the requirements of WAC 480-30 to</p> <p>15 continue those operations that it's already providing</p> <p>16 under its temporary certificate.</p> <p>17 But what you are also going to hear today in</p> <p>18 our presentation of the evidence is Mr. Selewondim's keen</p> <p>19 focus on customer service and his knowledge of travelers'</p> <p>20 needs, and given his years of working as a driver himself</p> <p>21 in this -- in this very area.</p> <p>22 And you will hear from our other witnesses that</p> <p>23 they are enthusiastic about working with his company, and</p> <p>24 they trust him with important customer interactions.</p> <p>25 And Eagle Towncar's application, if you compare</p>	<p>OPENING STATEMENT BY PROTESTANT</p> <p>1 customers now to support both companies on this route and</p> <p>2 that they get to overlap Mr. Selewondim's route is</p> <p>3 entirely speculative.</p> <p>4 We would argue that general population trends</p> <p>5 or projected growth over the next 20 years don't actually</p> <p>6 establish that there are enough customers on these</p> <p>7 specific routes who aren't using Uber, Lyft, and other</p> <p>8 transportation options, to support two companies.</p> <p>9 PNTS's proposal to overlap is very destructive</p> <p>10 and inequitable to a small business started by a first</p> <p>11 generation immigrant, and it should be rejected.</p> <p>12 PNTS's other proposals, such as its Kirkland</p> <p>13 route and its Redmond route, as I've noted, are mere</p> <p>14 sketches.</p> <p>15 And as we just heard from Mr. Remfrey, these</p> <p>16 specific locations were identified apparently as an</p> <p>17 afterthought subsequent to the filing. And indeed, when</p> <p>18 you look at their underlying customer statements, there</p> <p>19 are no customer statements from an RTO, regional travel</p> <p>20 organization, or from the specific hotels or other</p> <p>21 corporate offices or anything else that they're actually</p> <p>22 going to be stopping at.</p> <p>23 PNTS has instead offered a number of irrelevant</p> <p>24 customer statements from, for instance, individual</p> <p>25 door-to-door service travelers, a dentist, and</p>

<p>OPENING STATEMENT BY PROTESTANT</p> <p>1 Boston-area auto transportation professionals. It is not 2 evident that this provides support for their request for 3 these routes in Kirkland and Redmond or that these 4 witnesses provide compelling support at all.</p> <p>5 And again, PNTS has only proposed these 6 Kirkland/Redmond routes after Eagle Towncar sought to 7 develop the scheduled route.</p> <p>8 Let's just be clear. Eagle Towncar did not 9 invent the idea of scheduled service. This is just 10 Mr. Selewondim developing a specific route based on his 11 years of work in this area and his interactions with 12 these customers and the trust building he has done.</p> <p>13 Mr. Selewondim will explain how PNTS's routes 14 are not plausible and don't seem to serve any significant 15 need from the travelers.</p> <p>16 And the commission should reject these 17 sketched-out proposals for routes on their face as 18 deficient and unsupported. And to grant a company 19 territorial rights based on a sketched-out proposal for a 20 route would invite gamesmanship in future filings because 21 companies could simply come up with ideas for routes and 22 obtain territorial rights to them without any underlying 23 community support.</p> <p>24 For all these reasons, PNTS's application for 25 an extension of its authority must be denied.</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 MINTENSINOT SELEWONDIM, witness herein, having been 2 first duly sworn on oath, 3 was examined and testified 4 as follows:</p> <p>5</p> <p>6 DIRECT EXAMINATION 7 BY ATTORNEY HOWARD:</p> <p>8 Q Good morning, Mr. Selewondim. 9 Could you please tell us your full name and 10 spell it for the record?</p> <p>11 A Good morning. Mintensinot Selewondim. Last 12 name? S-E-L-E-W-O-N-D-I-M.</p> <p>13 Q Thank you. 14 And are you the manager of Eagle Towncar 15 Services LLC?</p> <p>16 A Yes, sir.</p> <p>17 Q Are you currently providing scheduled service 18 from downtown Bellevue hotels to SeaTac under a temporary 19 certificate from the commission?</p> <p>20 A Yes, sir.</p> <p>21 Q Can you tell us about when you started Eagle 22 Towncar?</p> <p>23 A I started Eagle Towncar Service back in 2011, 24 end of 2011.</p> <p>25 Q And what services did you offer at first in</p>
<p>OPENING STATEMENT BY PROTESTANT</p> <p>1 And we will attempt to keep our presentation of 2 the evidence efficient to respect your Honor's time and 3 the intent of the auto transportation rules. But at the 4 same point, at the same time, Eagle Towncar must 5 thoroughly address these proposals, which are 6 anti-competitive and destructive in nature to this small 7 business.</p> <p>8 Thank you.</p> <p>9 And I would turn to our first witness when your 10 Honor is ready.</p> <p>11 JUDGE HUGHES: Okay. I was like 80 percent of 12 the way to a sneeze. I think we're good.</p> <p>13 Okay, we have cameras on. Be sure to unmute 14 yourself.</p> <p>15 Mr. Selewondim, can you please raise your right 16 hand? Very good.</p> <p>17 Do you swear under penalty of perjury that the 18 testimony you offer is the truth, the whole truth, and 19 nothing but the truth?</p> <p>20 THE WITNESS: Yes, your Honor.</p> <p>21 JUDGE HUGHES: Very good.</p> <p>22 Please proceed, counselor.</p> <p>23 ATTORNEY HOWARD: Thank you, your Honor.</p> <p>24</p> <p>25</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 those early years of operations before you began offering 2 this particular scheduled service we're focused on today?</p> <p>3 A Our service from Bellevue to airport; airport, 4 vice versa; and hotels, events.</p> <p>5 Q Thank you. 6 And were some of those services using SUVs or 7 cars?</p> <p>8 A Yes, sir.</p> <p>9 Q Thank you. 10 And did you eventually obtain your charter 11 party and excursion carrier certificate?</p> <p>12 A Yes, sir.</p> <p>13 Q Thank you. 14 Do you have any certificates or registrations 15 as a minority owned business?</p> <p>16 A Yes.</p> <p>17 Q Can you tell us what those are?</p> <p>18 A Minority business owner, the Washington State, 19 approved by the SBA.</p> <p>20 Q And is that a certified Black-owned business?</p> <p>21 A Yes, sir.</p> <p>22 Q And are you accredited by the Better Business 23 Bureau?</p> <p>24 A Yes, sir.</p> <p>25 Q And when did that happen?</p>

<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 A This month.</p> <p>2 Q Thank you.</p> <p>3 And have you ever been -- has Eagle Towncar</p> <p>4 ever been penalized or fined by the commission?</p> <p>5 A No, sir.</p> <p>6 Q All right. Thank you. And going -- going back</p> <p>7 to your -- just your general history, how --</p> <p>8 approximately how long have you been driving for your</p> <p>9 employment in the Bellevue area?</p> <p>10 A Ever since 2012. It's been over 13 years.</p> <p>11 Q All right. Thank you.</p> <p>12 Let's talk about customer service. What do you</p> <p>13 believe are some of the key needs of travelers using your</p> <p>14 company?</p> <p>15 A Customer service, for us, communication, you</p> <p>16 know, trusting, well-maintained cars, transparency, and,</p> <p>17 you know, people trust you. Like, we'll give travel --</p> <p>18 like, for most people, travel give them stress. Our job</p> <p>19 is to give them peace of mind for their travel.</p> <p>20 Q Thank you. Can you tell us some -- are there</p> <p>21 any other specific things you might do to enhance the</p> <p>22 customer experience?</p> <p>23 A Yes. For guests, when it comes to the airport</p> <p>24 for a car service, we do a meet and greet, where we greet</p> <p>25 customers and communicate with the hotels and, you know,</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 of these hotels entrusted you to meet customers looking</p> <p>2 for conference space?</p> <p>3 A Yes.</p> <p>4 Q Can you tell us about that?</p> <p>5 A So, I feel like I'm ambassador for Bellevue. So</p> <p>6 when people come to visit Bellevue for their conferences,</p> <p>7 we have these VIPs, their event organizers. They come to</p> <p>8 visit different places to fit for their conference.</p> <p>9 And I'm the first one. Me and my staff are the</p> <p>10 first ones to meet them and greet them and give them the</p> <p>11 first impression what Bellevue like.</p> <p>12 And most people, I get comments, they think</p> <p>13 that I work for the hotels because of the information we</p> <p>14 give them about Bellevue. They like to hear from us that,</p> <p>15 like, you know, by the time they get to the hotel, they</p> <p>16 have all this information.</p> <p>17 Q And when you're talking about the information</p> <p>18 you're giving as you're transporting these passengers,</p> <p>19 are -- what type of information is that?</p> <p>20 A About Bellevue, the restaurant, the distance,</p> <p>21 everything about Bellevue.</p> <p>22 Q Would it be fair to say introducing them to the</p> <p>23 area?</p> <p>24 A Yes, sir.</p> <p>25 Q Okay. And do you still drive passengers for</p>
<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 give them accuracy.</p> <p>2 Q All right. Thank you.</p> <p>3 Let's talk about Eagle Towncar's relationships</p> <p>4 with Visit Bellevue and the five hotels on the scheduled</p> <p>5 route in Bellevue. Can you tell us, in broad terms, how</p> <p>6 you came to establish those relationships?</p> <p>7 A Yes. I've been working with the Bellevue Hyatt</p> <p>8 over a decade there, by my first account as a car</p> <p>9 service, and Visit Bellevue over five years. I met them</p> <p>10 through the Hyatt of Bellevue. They introduced me to them</p> <p>11 because of the satisfactory from the Hyatt.</p> <p>12 We have a signed contract with the Westin back</p> <p>13 in 2018, and the other hotel through Visit Bellevue.</p> <p>14 Q All right. Thank you.</p> <p>15 So I believe you said that you started Eagle</p> <p>16 Towncar in 2011, and you -- is that right?</p> <p>17 A Yes, sir.</p> <p>18 Q And that that's approximately when you started</p> <p>19 as a driver?</p> <p>20 A Yes, sir.</p> <p>21 Q So did it take time to establish these</p> <p>22 relationships that would allow you to carry out this</p> <p>23 route?</p> <p>24 A Yes.</p> <p>25 Q And talking about these five hotels, have any</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 Eagle Towncar yourself?</p> <p>2 A Yes, I would love to do that every day. That's</p> <p>3 my job. I still do it. I still like to drive and hear</p> <p>4 from people. It gives me a joy.</p> <p>5 Q Thank you.</p> <p>6 And do you also instruct your drivers that work</p> <p>7 for you to invite feedback?</p> <p>8 A Yes, sir.</p> <p>9 Q Thank you.</p> <p>10 Let's talk about the specific route through</p> <p>11 Bellevue that Eagle Towncar seeks permanent authority</p> <p>12 for.</p> <p>13 Can you tell me, in general terms, what are the</p> <p>14 service requirements for this route from Bellevue to</p> <p>15 SeaTac?</p> <p>16 A It's a scheduled service. So we -- the reason</p> <p>17 I picked those five hotels is give the convenience for</p> <p>18 the customers for -- it's \$30. And our stop is only</p> <p>19 limited. And the average time we take to the airport,</p> <p>20 that gives them a convenience, and -- yeah.</p> <p>21 Q How does that \$30 price point compare to other</p> <p>22 options that someone might have?</p> <p>23 A So, I have a car service that -- and my car</p> <p>24 service -- and Lyft and Uber, the average is from \$80 to</p> <p>25 \$100 to go to airport. And my price is \$30 to give,</p>

<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 yeah.</p> <p>2 Q Thank you.</p> <p>3 And what has been your experience so far with</p> <p>4 the scheduled service now that you're offering this under</p> <p>5 your temporary certificate?</p> <p>6 A Amazing. People love it, the popularity and</p> <p>7 the feedback I get, you know.</p> <p>8 A Yeah. Very good.</p> <p>9 And do you recall what month you began the</p> <p>10 scheduled service?</p> <p>11 A Yes, sir.</p> <p>12 Q What month was that?</p> <p>13 A December 4th.</p> <p>14 Q And is -- are there on seasons and off seasons</p> <p>15 in the auto transportation industry?</p> <p>16 A No, but like from November to January, it's</p> <p>17 kind of slow season for Bellevue.</p> <p>18 Q Okay. It's a -- it's a bit slower, would be a</p> <p>19 better way to characterize it?</p> <p>20 A Yes, sir.</p> <p>21 Q All right. And just speaking generally about</p> <p>22 the Bellevue route that you are -- that you're operating</p> <p>23 on right now, are you able and willing to continue</p> <p>24 providing this service?</p> <p>25 A Yes, sir.</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 A Yes, sir.</p> <p>2 Q Are you familiar with that additional stop that</p> <p>3 they are proposing?</p> <p>4 A Yes.</p> <p>5 Q Have you stopped at or observed that hotel</p> <p>6 yourself?</p> <p>7 A Yes.</p> <p>8 Q Thank you.</p> <p>9 Do you have any concerns with PNTS's proposal</p> <p>10 to overlap your Bellevue route?</p> <p>11 A Yes, I do.</p> <p>12 Q Can you please describe those in general terms</p> <p>13 for us?</p> <p>14 A So they added the hotel that I proposed in</p> <p>15 additional to the hotel. For example, the</p> <p>16 Intercontinental Hotel is a high-end hotel. They don't --</p> <p>17 there's no shuttle needed. Their customers cater to a</p> <p>18 private car service, more luxury than a shuttle.</p> <p>19 And the -- you know, proposing car client,</p> <p>20 other hotels, it just -- my experience, the reason I</p> <p>21 picked those hotels is because of the amount of people</p> <p>22 come to those hotels. It's not just, you know, grabbing</p> <p>23 all the hotel around it.</p> <p>24 Q So, just to be clear, so, the additional stop</p> <p>25 they've proposed on the Bellevue route, it's your opinion</p>
<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 Q All right. Let's move on to the routes</p> <p>2 proposed by PNTS in their filing in Docket TC-240898.</p> <p>3 Have you reviewed PNTS's application and their proposed</p> <p>4 routes?</p> <p>5 A Yes, sir.</p> <p>6 Q Does one of their proposed routes happen to</p> <p>7 entirely overlap yours?</p> <p>8 A Yes.</p> <p>9 Q All right. So let's talk for a moment about</p> <p>10 the downtown Bellevue area. You noted earlier that</p> <p>11 you've been driving in this general area for some time.</p> <p>12 Can you tell me a little bit more about your</p> <p>13 knowledge of this area as a driver?</p> <p>14 A So, I know Bellevue well. I know which hotels</p> <p>15 have more conference and which -- the hotels, like just</p> <p>16 the five hotels are the more active hotel right now.</p> <p>17 Q And have you stopped at or observed each of the</p> <p>18 proposed stops in PNTS's proposed route through Bellevue?</p> <p>19 A Can you repeat that question, please?</p> <p>20 Q Well, let me back up a little bit. Has PNTS</p> <p>21 purported -- has PNTS proposed an additional stop in</p> <p>22 addition to the five hotels that you are stopping at?</p> <p>23 A Yes, sir.</p> <p>24 Q But otherwise, the route appears to be</p> <p>25 essentially the same and overlapping?</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 that the clientele of that hotel are less likely to need</p> <p>2 an airport shuttle?</p> <p>3 A Yes, sir.</p> <p>4 Q All right. So, if the commission gave PNTS</p> <p>5 what they're asking for in the Bellevue route, and</p> <p>6 allowed PNTS to overlap your route and to make stops</p> <p>7 there twice an hour, several hours -- you know, for the</p> <p>8 entire day as they propose, how would that affect your</p> <p>9 business?</p> <p>10 A Oh, effectively, maybe it'll kill the business.</p> <p>11 Q Do you believe that there are enough customers</p> <p>12 to support two companies on this route?</p> <p>13 A No.</p> <p>14 Q Do you recall how many times per hour PNTS</p> <p>15 proposes to make stops on this route?</p> <p>16 A Two. Yes.</p> <p>17 Q And how many stops do you make per hour</p> <p>18 currently on this route?</p> <p>19 A One every hour.</p> <p>20 Q So PNTS, therefore, is requesting to make</p> <p>21 double the number of stops you are per day?</p> <p>22 A Yes, sir.</p> <p>23 Q All right. Let's talk -- let's move on to the</p> <p>24 other two routes proposed by PNTS.</p> <p>25 And let's begin with the Kirkland route. We've</p>

<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 been talking mostly about the Bellevue area. Are you</p> <p>2 familiar with the city of Kirkland in your experience as</p> <p>3 a driver?</p> <p>4 A Yes.</p> <p>5 Q How long have you driven in the city of</p> <p>6 Kirkland?</p> <p>7 A Just all over, like Redmond, Kirkland, ever</p> <p>8 since I started driving.</p> <p>9 Q All right. Are you familiar with each of the</p> <p>10 stops they're proposing in Kirkland?</p> <p>11 A Yes.</p> <p>12 Q Can you describe what the service requirements</p> <p>13 are, in your experience, for this Kirkland route that</p> <p>14 they're proposing?</p> <p>15 A So for a scheduled service from Kirkland is not</p> <p>16 -- there's no -- there's no demand for that. Like, they</p> <p>17 propose for door to door. That would work better for --</p> <p>18 for them than, like, schedule. There's no hotel that</p> <p>19 needs a scheduled service from Kirkland.</p> <p>20 Q And what makes you say that?</p> <p>21 A It's just the demand up there, just my</p> <p>22 experience.</p> <p>23 Q All right. Thank you.</p> <p>24 And is it correct that as far as you know, PNTS</p> <p>25 already has door-to-door service throughout the Eastside?</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 ATTORNEY SO: That's --</p> <p>2 ATTORNEY HOWARD: And they are simply to cause</p> <p>3 vexation and litigation costs to Eagle Towncar. We</p> <p>4 should not -- and Eagle Towncar must be able to address</p> <p>5 these and explore the lack of actual -- any actual</p> <p>6 meaningful customer support for these routes.</p> <p>7 ATTORNEY SO: Your Honor, I think that's more</p> <p>8 appropriate once Eagle -- once PNTS has actually put on</p> <p>9 their presentation about our application and Mr. Howard</p> <p>10 can cross-examine. But right now, he's assuming a lot of</p> <p>11 facts that are not in the record.</p> <p>12 And he cannot, you know, move forward with</p> <p>13 questioning the Redmond and Kirkland route when we have</p> <p>14 not even provided our proposed service to, you know,</p> <p>15 inform everyone about it.</p> <p>16 JUDGE HUGHES: Mr. Howard (inaudible).</p> <p>17 ATTORNEY HOWARD: Thank you, your Honor.</p> <p>18 We are addressing this issue now in the</p> <p>19 interests of efficiency, and that's why I posed that</p> <p>20 question.</p> <p>21 I asked that clarifying question, your Honor,</p> <p>22 earlier. I understand that the timing might be a little</p> <p>23 -- it might make more sense, ideally, for them to go</p> <p>24 first. We're just addressing it now in the sake of</p> <p>25 efficiency.</p>
<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 A Yes.</p> <p>2 Q All right. Let's -- could you turn to the PNTS</p> <p>3 Exhibit 8, which is the Kirkland service area map, which</p> <p>4 I believe is already admitted.</p> <p>5 ATTORNEY SO: Your Honor, I'd like to object to</p> <p>6 Mr. Howard's questions regarding Kirkland and Redmond</p> <p>7 routes. Eagle Towncar's application is only for a</p> <p>8 Bellevue route. And so that's the route that they can</p> <p>9 object to.</p> <p>10 JUDGE HUGHES: Mr. Howard --</p> <p>11 ATTORNEY HOWARD: May I respond, your Honor?</p> <p>12 JUDGE HUGHES: Yes.</p> <p>13 ATTORNEY HOWARD: Your Honor, it's as -- as I</p> <p>14 noted earlier, in other auto transportation cases, it</p> <p>15 could be appropriate for a company in this situation --</p> <p>16 for the commission in this situation to sever part of the</p> <p>17 filing and to consider it separately. But that is not</p> <p>18 always what's required.</p> <p>19 The rules have a permissive may. And down to</p> <p>20 your -- it should be down to your discretion. And you</p> <p>21 should consider them all here.</p> <p>22 And what the evidence is showing in this case</p> <p>23 is that these are essentially shell filings. They didn't</p> <p>24 even bother to put specific stops in when they first</p> <p>25 filed them. We just heard that from Mr. Remfrey.</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 We're not assuming facts in the record. We've</p> <p>2 laid the foundation. She hasn't even made a foundational</p> <p>3 objection to what Mr. Selewondim is saying.</p> <p>4 Mr. Selewondim is giving his own opinion based</p> <p>5 on his firsthand knowledge of being a driver in this area</p> <p>6 for more than ten years.</p> <p>7 JUDGE HUGHES: So I -- I did talk about at the</p> <p>8 beginning for efficiency, having, you know, the parties</p> <p>9 bring their witnesses up and discuss both cases to the</p> <p>10 extent possible. But if that's untenable, I suppose we</p> <p>11 could call people back.</p> <p>12 I mean, I'm inclined to allow him to -- you've</p> <p>13 objected to PNTS's application. We've consolidated the</p> <p>14 hearings. It does strike me as appropriate to allow him</p> <p>15 to give his -- whatever direct testimony he has. And so</p> <p>16 this would, I guess, (inaudible) towards the objection.</p> <p>17 ATTORNEY HOWARD: Thank you, Honor. Should I</p> <p>18 continue?</p> <p>19 JUDGE HUGHES: Yes. I'm going to overrule the</p> <p>20 objection.</p> <p>21 Counselor, feel free to object to a specific</p> <p>22 question. I just -- it's hard to retroactively -- so,</p> <p>23 yes, please proceed.</p> <p>24 And if the witness will pause to give the</p> <p>25 counselor an opportunity to object, let's proceed thusly.</p>

<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 All right.</p> <p>2 ATTORNEY HOWARD: All right. Thank you, your</p> <p>3 Honor.</p> <p>4 Q (By Attorney Howard) Mr. Selewondim, are you</p> <p>5 -- let's move to talking about the proposed Redmond route</p> <p>6 from PNTS. Did you review this proposed route from PNTS?</p> <p>7 A Yes.</p> <p>8 Q Have you personally stopped at or observed each</p> <p>9 of these proposed stops?</p> <p>10 A Yes.</p> <p>11 Q Are you familiar with the Microsoft building</p> <p>12 proposed as a stop in their route?</p> <p>13 A Yes.</p> <p>14 Q Do you believe that there are service</p> <p>15 requirements for an airport shuttle at this Microsoft</p> <p>16 location?</p> <p>17 A No, sir.</p> <p>18 Q Why is that?</p> <p>19 A So, mostly the Microsoft campus, as I'm very</p> <p>20 familiar with it, is an office. There's only one building</p> <p>21 that brings customer from other places. It's Building 33.</p> <p>22 And beside that building, there's no visitors to that</p> <p>23 location needs a shuttle service.</p> <p>24 Q Thank you.</p> <p>25 So there's -- this building you're referring</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 one of the three stops proposed, does that sound accurate</p> <p>2 to you?</p> <p>3 A Yes.</p> <p>4 Q Do you believe that there are service</p> <p>5 requirements for an airport shuttle at the Heathman?</p> <p>6 ATTORNEY SO: Your Honor, objection. This is</p> <p>7 all speculation.</p> <p>8 ATTORNEY HOWARD: I can back up and lay</p> <p>9 foundation, your Honor. But he's testified he's been a</p> <p>10 driver in this area for years.</p> <p>11 JUDGE HUGHES: It will go to the weight of the</p> <p>12 evidence. So I'm going to overrule the objection.</p> <p>13 But yes, I hear the -- this is the opinion of a</p> <p>14 single person who -- it has some level of expertise, but</p> <p>15 isn't a dispositive source of information. Yeah.</p> <p>16 So please proceed.</p> <p>17 ATTORNEY HOWARD: All right. Thank you, your</p> <p>18 Honor.</p> <p>19 Q (By Attorney Howard) Mr. Selewondim, apologies</p> <p>20 if I am forgetting my last question.</p> <p>21 But do you believe if -- that there is a -- can</p> <p>22 you tell us what the service -- excuse me. Let me</p> <p>23 scratch that, square one.</p> <p>24 Can you tell me what you believe the service</p> <p>25 requirements are for an airport shuttle at the Heathman</p>
<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 to, is that for other companies that Microsoft works with</p> <p>2 to your knowledge, or what is --</p> <p>3 A Yes.</p> <p>4 Q Okay.</p> <p>5 A In order to bring customer to the EBC center,</p> <p>6 Executive Briefing Center, you have to spend over \$40</p> <p>7 million. And those people really doesn't need a shuttle</p> <p>8 service for them.</p> <p>9 Q And as far as you know, those aren't</p> <p>10 conferences or temporary few-day long stays?</p> <p>11 A No, sir.</p> <p>12 Q To your knowledge, and based on your review of</p> <p>13 the materials, has PNTS submitted any statements from the</p> <p>14 hotels, clubs, or corporations that propose a stop at for</p> <p>15 either the Kirkland or Redmond routes?</p> <p>16 A No.</p> <p>17 Q All right. And sorry; I did get a little</p> <p>18 slightly derailed.</p> <p>19 Are you able to bring up PNTS-8, which is the</p> <p>20 Kirkland map?</p> <p>21 A I'm having difficulties to pull up.</p> <p>22 Q Okay. Do you -- if I represent to you that one</p> <p>23 of the stops on this route -- and Ms. So can object if</p> <p>24 I'm incorrect. But I'm looking at the exhibit. If I</p> <p>25 represent to you that the Heathman Hotel in Kirkland is</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 Hotel, if any?</p> <p>2 A Can you repeat that again please?</p> <p>3 Q Do you believe that there are any service</p> <p>4 requirements for an airport shuttle at the Heathman</p> <p>5 Hotel?</p> <p>6 A No.</p> <p>7 Q Why is that?</p> <p>8 A The Heathman is a more boutique hotel. It's a</p> <p>9 smaller hotel that doesn't do a lot of conferences.</p> <p>10 Q When you say "a boutique hotel," does that</p> <p>11 suggest a higher price point?</p> <p>12 A More people don't go for conferences or, like,</p> <p>13 a meeting for, you know, to that hotel.</p> <p>14 Q Okay. And would it be fair to say, then, that</p> <p>15 you believe that there would be fewer members of the</p> <p>16 public seeking a shuttle at that location?</p> <p>17 A Yes.</p> <p>18 Q All right. Have you reviewed PNTS's proposed</p> <p>19 rates for their service?</p> <p>20 A Yes.</p> <p>21 Q And have you reviewed PNTS's website for their</p> <p>22 Bellevue Airport shuttle service?</p> <p>23 A Yes.</p> <p>24 Q When you review their website, are they -- and</p> <p>25 this has been admitted into evidence as PNTS-10, I</p>

<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 believe, that I was asking Mr. Remfrey about earlier.</p> <p>2 But are they advertising a Bellevue airport shuttle</p> <p>3 service?</p> <p>4 A Yes.</p> <p>5 Q Does their website allow -- to your knowledge,</p> <p>6 does PNTS allow a group of more than five people to book</p> <p>7 the scheduled service?</p> <p>8 A No.</p> <p>9 Q Why do you say that?</p> <p>10 A So when you go to the website, they advertise</p> <p>11 they pick up 30 minutes from Bellevue currently, right</p> <p>12 now.</p> <p>13 But when you add, when you put more than five,</p> <p>14 it'll suggest you to call and book a private van service</p> <p>15 instead of a scheduled per person pickup.</p> <p>16 Q All right. Thank you.</p> <p>17 So, to your knowledge, does PNTS have a luggage</p> <p>18 partition in their vehicles?</p> <p>19 A No.</p> <p>20 ATTORNEY SO: Your Honor, objection. I just --</p> <p>21 I don't know why Mr. Howard is asking his client, who's</p> <p>22 the owner of Eagle Towncar, about PNTS when he can ask</p> <p>23 that kind of information. It's hearsay. It's</p> <p>24 speculation. I -- it's --this is just.</p> <p>25 ATTORNEY HOWARD: Well, your Honor, I -- if I</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 graphics?</p> <p>2 A Almost close to \$10,000.</p> <p>3 Q Is that for each Sprinter van, or is that the</p> <p>4 total cost for all the Sprinter vans?</p> <p>5 A Per vehicle.</p> <p>6 Q Okay. And how many vehicles were wrapped?</p> <p>7 A Three.</p> <p>8 Q Okay. Would it be fair to say about \$30,000?</p> <p>9 A Yes, sir.</p> <p>10 Q And when you filed your temporary application,</p> <p>11 were you represented by a lawyer?</p> <p>12 A No.</p> <p>13 Q To your knowledge, did PNTS attempt to register</p> <p>14 this trade name, Bellevue Airport Shuttle, with the</p> <p>15 Department of Revenue after you invested in it?</p> <p>16 A Yes, sir.</p> <p>17 Q And to your knowledge, did the commission</p> <p>18 ultimately approve adding Bellevue Airport Shuttle to</p> <p>19 your company's certificate?</p> <p>20 A Yes.</p> <p>21 Q Have you checked PNTS's webpage recently?</p> <p>22 A Yes.</p> <p>23 Q Specifically their Bellevue Airport Shuttle</p> <p>24 webpage?</p> <p>25 A Yes.</p>
<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 may respond.</p> <p>2 JUDGE HUGHES: Go ahead.</p> <p>3 ATTORNEY HOWARD: I'll withdraw that question</p> <p>4 if that simplifies the matter.</p> <p>5 JUDGE HUGHES: Okay. Very well. Sustained.</p> <p>6 Move to the next question, please.</p> <p>7 Q (By Attorney Howard) Mr. Selewondim, do your</p> <p>8 vehicles have -- specifically talking about your Sprinter</p> <p>9 vans used for the scheduled service, do those vehicles</p> <p>10 have a luggage partition?</p> <p>11 A Yes.</p> <p>12 Q How might a luggage partition affect a</p> <p>13 traveler's experience?</p> <p>14 A We allow, you know, customers to bring the</p> <p>15 luggage as much as they can. And that partition is -- one</p> <p>16 is for safety reason. It doesn't fall over to over the</p> <p>17 seats. And we spend over, like, a good amount of money to</p> <p>18 make that partition.</p> <p>19 Q And I want to move on to the issue of the trade</p> <p>20 name used for the scheduled service, Bellevue Airport</p> <p>21 Shuttle. Did you invest in wrapping your Sprinter vans</p> <p>22 with graphics showing Bellevue Airport Shuttle as the</p> <p>23 name?</p> <p>24 A Yes.</p> <p>25 Q Do you remember the approximate cost of those</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 Q When was the last time you checked that?</p> <p>2 A This morning before the meeting.</p> <p>3 Q Does it still display the trade name Bellevue</p> <p>4 Airport Shuttle?</p> <p>5 A Yes, sir.</p> <p>6 Q Have you tried Googling the term "Bellevue</p> <p>7 Airport Shuttle"?</p> <p>8 A Yes.</p> <p>9 Q What happens when you Google the term "Bellevue</p> <p>10 Airport Shuttle" with nothing else in the search term?</p> <p>11 ATTORNEY SO: Objection, your Honor.</p> <p>12 Relevance.</p> <p>13 JUDGE HUGHES: Mr. Howard?</p> <p>14 ATTORNEY HOWARD: If I may respond, we're going</p> <p>15 to be arguing that PNTS has deceptive and unfair trade</p> <p>16 practices that should justify the suspension of their</p> <p>17 certificate.</p> <p>18 ATTORNEY SO: That's not before the court -- or</p> <p>19 before this -- that's not even an issue, your Honor.</p> <p>20 ATTORNEY HOWARD: We are going to be -- we are</p> <p>21 going to be exploring deceptive and unfair practices as</p> <p>22 part of this. And the trade name abuse is very well part</p> <p>23 of what's going on here with the vexatious litigation</p> <p>24 brought by PNTS.</p> <p>25 JUDGE HUGHES: Staff, any thoughts?</p>

<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 ATTORNEY JONES: Your Honor, I would point to 2 the commission rules that define the limited issues that 3 are before -- that are before the commission regarding 4 objections that are filed. And I believe that's limited 5 to the issue of whether the objecting company holds a 6 certificate to provide the same service, whether they're 7 providing the same service, and whether they're providing 8 that service to the satisfaction of the commission.</p> <p>9 The issue of the trade name seems to me to be 10 outside the scope of what the commission would consider 11 under a petition -- under an objection to an application.</p> <p>12 Thank you.</p> <p>13 ATTORNEY HOWARD: If I may briefly, your Honor. 14 Your Honor, in Eagle Towncar's opinion, again, 15 the issue of same service is not relevant because they 16 are not offering a service, so there's nothing to compare 17 it to. That's not the issue right now.</p> <p>18 And it appears that PNTS is still defending its 19 use of this trade name because that's one of their 20 exhibits. That's their webpage. And the first page of 21 it is the internet traffic and the search engine 22 optimization results that -- I mean, that's what I 23 understand it to be, showing Bellevue Airport Shuttle and 24 showing their web page.</p> <p>25 So if they are introducing this exhibit, I</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 to clarify for this proceeding the issues to be decided 2 because we're under the assumption that it's WAC 480, as 3 Ms. Jones had specified, 480-30-116 (3). It's 4 adjudication of auto transportation application when 5 there is an objection.</p> <p>6 And those are the three issues before the 7 court. It is limited to the question of whether the 8 objecting company holds a certificate to provide the same 9 service in the same territory.</p> <p>10 The second element is whether the objecting 11 company provides the same service.</p> <p>12 And third is whether an objecting company will 13 provide the same service to the satisfaction of the 14 commission.</p> <p>15 That's all that this proceeding is about. It's 16 about the two applications, Eagle Towncar's and PNTS's.</p> <p>17 It's not about -- I don't know what Mr. Howard 18 is trying to do in terms of gathering evidence, but that 19 could be for another motion or another proceeding. But 20 that is not what we are here today to discuss.</p> <p>21 JUDGE HUGHES: Counselor, would you -- if there 22 were a deceptive trade factor, deceptive practices, or 23 however Mr. Howard's characterized it, would that not be 24 relevant to the company's ability to provide service to 25 the satisfaction of the commission, presuming that the</p>
<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 think that we should be able to talk about what their web 2 page is showing and that it's stealing his trade name.</p> <p>3 JUDGE HUGHES: Okay. And of those three 4 elements that Ms. Jones very helpfully laid out, which -- 5 which one would you say this goes towards?</p> <p>6 ATTORNEY HOWARD: I disagree with her 7 characterization of the issues there. It's not the same 8 service.</p> <p>9 And I think that we should be able to, in the 10 broad considerations of all the standards following the 11 2013 rulemaking, the WAC 480-30 regulations open up to a 12 number of broad factors that the commission can consider 13 in these, and other supplemental evidence. It's a 14 flexible standard.</p> <p>15 The commission needs to squarely face what PNTS 16 has done for years to other auto transportation 17 companies. And the commission needs to squarely face 18 that PNTS is, in fact, a pernicious influence in this 19 industry. And there is no other way to do it other than 20 to talk about it.</p> <p>21 And they are providing this exhibit, and we 22 should be able to address it.</p> <p>23 ATTORNEY SO: Your Honor, if I may?</p> <p>24 JUDGE HUGHES: Yes.</p> <p>25 ATTORNEY SO: I think it is extremely important</p>	<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 commission would be unsatisfied with bad practices?</p> <p>2 ATTORNEY SO: Your Honor, that is also -- with 3 respect, I think that is for the objecting company, not 4 the applicant.</p> <p>5 JUDGE HUGHES: Okay. And are they -- Eagle 6 Towncar's objecting to your company -- to your company's 7 extension authority?</p> <p>8 ATTORNEY SO: Correct. So it's about Eagle 9 Towncar's services that they're providing, not a look 10 into Pacific Northwest Transportation's fitness.</p> <p>11 ATTORNEY HOWARD: If I may, your Honor, I have 12 one additional citation I'd like to point to, and an 13 additional point on their exhibit.</p> <p>14 JUDGE HUGHES: Okay.</p> <p>15 ATTORNEY HOWARD: Your Honor, on WAC 480-30-140 16 (1)(b) is the broad statement that the -- in considering 17 applications under this chapter, the commission may, 18 among other things, consider, and then it lists several 19 things and other essential characteristics.</p> <p>20 We say this is a broad -- this can -- this 21 really opens the door to other factors. And this is the 22 specific case where we need to address these issues up 23 front.</p> <p>24 And we're going to be pointing to the fact that 25 they are -- this is a repeated instance of an objection</p>

<p>DIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 that ignores the commission's distinctions on scheduled</p> <p>2 service.</p> <p>3 We have the abuse of the trade name.</p> <p>4 We have the --</p> <p>5 ATTORNEY SO: (Inaudible).</p> <p>6 ATTORNEY HOWARD: And we have the motion to</p> <p>7 disqualify that cited no precedent.</p> <p>8 We need to talk directly about PNTS. And we</p> <p>9 have the shell filings that didn't even have scheduled</p> <p>10 stops specified when they were -- when they filed it.</p> <p>11 We need to talk about PNTS making unsupported</p> <p>12 filings over a period of years.</p> <p>13 And we need to talk about how this is</p> <p>14 inequitable to Eagle Towncar.</p> <p>15 JUDGE HUGHES: Okay. We need to keep this</p> <p>16 moving.</p> <p>17 So I do hear -- Mr. Howard, I have some</p> <p>18 concerns about some of the filings thus far too.</p> <p>19 However, we have a lot of witnesses to get</p> <p>20 through.</p> <p>21 So I'm going to propose perhaps we can do a</p> <p>22 round of briefing on the specific portions of 480-30-140</p> <p>23 that you believe are relevant to bring in this stuff.</p> <p>24 I will also note to the extent that there is hearsay</p> <p>25 and speculation, this is a brief adjudicatory proceeding.</p>	<p>CROSS-EXAMINATION OF SELEWONDIM BY SO</p> <p>1 again?</p> <p>2 A Me?</p> <p>3 Q Yeah.</p> <p>4 A It's Selewondim.</p> <p>5 Q Selewondim?</p> <p>6 A Yes.</p> <p>7 Q Thank you. Thank you for being here today.</p> <p>8 I just wanted to ask a couple of questions</p> <p>9 about your application, like how many operating units</p> <p>10 will you be using for your scheduled services from the</p> <p>11 Bellevue airports [sic] to the SeaTac Airport?</p> <p>12 ATTORNEY HOWARD: Objection. We've explained</p> <p>13 that they don't have standing to question his fitness and</p> <p>14 other issues in 240856. And that's how they're starting</p> <p>15 off.</p> <p>16 JUDGE HUGHES: I'm going to overrule. I don't</p> <p>17 see it as prejudicial here.</p> <p>18 Please answer the question.</p> <p>19 Q (By Attorney So) Mr. Selewondim, can you</p> <p>20 please answer the question?</p> <p>21 A Three.</p> <p>22 Q Okay. And is there -- what happens if one of</p> <p>23 your vehicles has a flat tire or is in maintenance and</p> <p>24 it's out of service?</p> <p>25 Will you only have two, or will you have other</p>
<p>CROSS-EXAMINATION OF SELEWONDIM BY SO</p> <p>1 I'm allowed to -- I'm allowed to entertain such things.</p> <p>2 The rules of evidence are relaxed in these proceedings</p> <p>3 per our regulations.</p> <p>4 So to the extent that you would be bringing a</p> <p>5 motion, I do see some efficiency in establishing things</p> <p>6 now, but let's try to get back on the narrow path here.</p> <p>7 And I know we have a lot of people in the room</p> <p>8 right now who probably -- let's get them to lunch. I'd</p> <p>9 say.</p> <p>10 So let's -- I'm not going to strike anything</p> <p>11 that's been entered so far because again, it is a broad</p> <p>12 standard. But I do feel that we are perhaps getting a</p> <p>13 little astray, Mr. Howard. So could we --</p> <p>14 ATTORNEY HOWARD: I believe that was my last</p> <p>15 couple of questions for Mr. Selewondim. So I would end</p> <p>16 my direct there.</p> <p>17 JUDGE HUGHES: Thank you.</p> <p>18 PNTS, would you like to cross?</p> <p>19 ATTORNEY SO: Yes, your Honor.</p> <p>20 ATTORNEY HOWARD: Okay.</p> <p>21 ATTORNEY SO: Thank you.</p> <p>22</p> <p>23 CROSS-EXAMINATION</p> <p>24 BY ATTORNEY SO:</p> <p>25 Q Sorry. Can you pronounce your last name for me</p>	<p>CROSS-EXAMINATION OF SELEWONDIM BY SO</p> <p>1 dedicated vehicles to perform the scheduled services?</p> <p>2 Q So, right now the two vehicle running, one is a</p> <p>3 standby. So it's from each places.</p> <p>4 ATTORNEY SO: Okay, so you'll still have two,</p> <p>5 and you can perform the scheduled services with just two</p> <p>6 vehicles?</p> <p>7 A Currently, yeah, because this market, yes.</p> <p>8 Q Okay. And what time does Eagle Towncar pick up</p> <p>9 from Seattle, SeaTac Airport?</p> <p>10 A 7:00 a.m.</p> <p>11 Q Okay. Can you tell me briefly the time frames</p> <p>12 that Eagle Towncar's Services are running for, you know,</p> <p>13 Bellevue to SeaTac and then SeaTac to Bellevue?</p> <p>14 A Yes. From Bellevue from 4:00 a.m. till 9:00</p> <p>15 p.m.; from SeaTac, 7:00 a.m. till 10:00 p.m.</p> <p>16 Q Okay. And how many can -- how many passengers</p> <p>17 can your vehicle accommodate?</p> <p>18 A 14 per vehicle.</p> <p>19 Q Okay. And that is -- also there's a large</p> <p>20 luggage capacity in the back; is that what you were</p> <p>21 stating?</p> <p>22 A Yes.</p> <p>23 Q And how big is that luggage capacity?</p> <p>24 A It can hold up to 26 luggage.</p> <p>25 Q Okay. Can you provide perhaps, maybe like a</p>

<p>CROSS-EXAMINATION OF SELEWONDIM BY SO</p> <p>1 cubic square footage?</p> <p>2 Would that be like a -- I don't know. That's a</p> <p>3 quite -- quite a lot of luggage, 26 luggages. Is that</p> <p>4 like a 10 foot by 10 foot area in the back of the</p> <p>5 shuttle?</p> <p>6 A I don't know the specific, but I know that</p> <p>7 because of the experience I have, how many was 14 people</p> <p>8 who had a full luggage.</p> <p>9 Q Okay. So 14 people and possibly 26 luggages in</p> <p>10 the back of the same vehicle?</p> <p>11 A Yes.</p> <p>12 Q Okay. So this is not like in a trailer behind</p> <p>13 the shuttle?</p> <p>14 A No.</p> <p>15 Q Okay. And can you tell me how often does Eagle</p> <p>16 Towncar pick up at the scheduled service locations?</p> <p>17 Is it once an hour?</p> <p>18 A Yes.</p> <p>19 Q And where does Eagle Towncar drop off your</p> <p>20 customers at the SeaTac Airport?</p> <p>21 A Departures.</p> <p>22 Q The departures level?</p> <p>23 A Yeah.</p> <p>24 Q Okay. So it's not like in the garage area?</p> <p>25 A We pick up from there. We pick up the third</p>	<p>CROSS-EXAMINATION OF SELEWONDIM BY SO</p> <p>1 suggesting the company is going past security to the</p> <p>2 plane? Where are you talking about?</p> <p>3 ATTORNEY SO: No, after -- not past security,</p> <p>4 no.</p> <p>5 I'm just asking if he has greeters to greet</p> <p>6 them, or if the driver's in the shuttle waiting to pick</p> <p>7 up the passengers.</p> <p>8 Q (By Attorney So) Could you answer that for me?</p> <p>9 A I have a stand.</p> <p>10 ATTORNEY HOWARD: I have an objection that</p> <p>11 hasn't been ruled on.</p> <p>12 ATTORNEY SO: Oh, sorry. Did you object?</p> <p>13 ATTORNEY HOWARD: (Inaudible).</p> <p>14 JUDGE HUGHES: I'm going to overrule. I don't</p> <p>15 believe this is prejudicial.</p> <p>16 But, counselor, I -- where are we going with</p> <p>17 this?</p> <p>18 ATTORNEY SO: Oh, just wanting to get more</p> <p>19 details as to the service that they're providing.</p> <p>20 JUDGE HUGHES: Okay, please proceed.</p> <p>21 ATTORNEY SO: Thank you.</p> <p>22 Q (By Attorney So) Can you explain what route</p> <p>23 does Eagle Towncar use to travel between your stops in</p> <p>24 your scheduled services?</p> <p>25 A 405, the I-405.</p>
<p>CROSS-EXAMINATION OF SELEWONDIM BY SO</p> <p>1 floor.</p> <p>2 Q Third floor. Okay. Pick up from the third</p> <p>3 floor garage area. Okay.</p> <p>4 And so what do your passengers, after they</p> <p>5 deplane, and from Seattle -- SeaTac Airport have to do to</p> <p>6 get to Eagle Towncar shuttle and get picked up by Eagle</p> <p>7 Towncar?</p> <p>8 A They take the skybridge to the third floor</p> <p>9 where we're designated Island 2A between Skybridge 3 and</p> <p>10 4.</p> <p>11 Q Okay. Does Eagle Towncar greet or meet its</p> <p>12 passengers at the Seattle SeaTac Airport, or is it just</p> <p>13 they're waiting at that location you just described?</p> <p>14 A They're waiting, the main greeter.</p> <p>15 Q They're waiting. Okay. So no greeters.</p> <p>16 ATTORNEY HOWARD: Objection. Could we -- could</p> <p>17 we clarify what -- it's a bit vague to me what we're</p> <p>18 talking about here.</p> <p>19 ATTORNEY SO: Oh, I'm just asking whether or</p> <p>20 not Eagle Towncar has greeters, like right outside, you</p> <p>21 know, when passengers get off of the airplane and can</p> <p>22 guide them to where the shuttle is, or the passenger has</p> <p>23 to go find the shuttle at the location he was just</p> <p>24 describing.</p> <p>25 ATTORNEY HOWARD: Well, it sounds like you're</p>	<p>CROSS-EXAMINATION OF SELEWONDIM BY SO</p> <p>1 Q Okay. So it's always I-405?</p> <p>2 A Yes.</p> <p>3 Q Okay, so you wouldn't take other routes, such</p> <p>4 as 520 or 90 or I-5 to get to the airport?</p> <p>5 A It'll be 405 is the direct to airport right</p> <p>6 now.</p> <p>7 Q Okay. Okay, I have -- sorry. I'm just</p> <p>8 checking my notes to see about any additional questions.</p> <p>9 So just curious. I remember viewing on your</p> <p>10 tariff that reservations have to be made one hour in</p> <p>11 advance for Eagle Towncar; is that correct?</p> <p>12 A No, it's by reservation. (Inaudible).</p> <p>13 Q So one has to make a reservation an hour, at</p> <p>14 least, before pickup to use Eagle Towncar scheduled</p> <p>15 services; is that right?</p> <p>16 ATTORNEY HOWARD: Objection. Misstates</p> <p>17 testimony.</p> <p>18 JUDGE HUGHES: Can you rephrase?</p> <p>19 ATTORNEY SO: I'll rephrase.</p> <p>20 Q (By Attorney So) Can you tell me the</p> <p>21 reservation process for the scheduled services offered by</p> <p>22 Eagle Towncar right now?</p> <p>23 A Yes, by booking only.</p> <p>24 Q By booking online?</p> <p>25 A Yes.</p>

CROSS-EXAMINATION OF SELEWONDIM BY SO

1 Q Okay. And is there a time limit where they
2 have to book in advance before to make to ensure that
3 their shuttle is reserved?
4 A No.
5 Q Okay. So if I wanted to take a shuttle at
6 12:00 p.m., and right now it's 11:17 a.m., can I just go
7 online and book it and I can take the 12:00 shuttle?
8 A Yes.
9 Q Okay. That's good to know.
10 Does your company have a kiosk at the ground
11 transportation center at SeaTac Airport?
12 A We just signed an agreement, so the -- I was
13 given the desk. So the 15th is when I get possession.
14 Q Okay. Of this month?
15 A Yes.
16 Q So tomorrow?
17 A Yes.
18 Q Okay. And so what will that allow passengers
19 to do?
20 A We'll have a desk and more information about
21 our service.
22 Q Okay. Is this a live person there, or is it a
23 kiosk?
24 A We'll have someone. We'll have a -- we don't
25 have anything right now because of we didn't -- we didn't

CROSS-EXAMINATION OF SELEWONDIM BY SO

1 obtain the desk. But yes.
2 Q Okay. Okay. So just looking at the times that
3 are offered in your scheduled service, does your
4 scheduled service accommodate travelers to Bellevue with
5 flight arrival times between 5:30 a.m. and 6:30 a.m.?
6 A Can you repeat that question?
7 Q It's based on your times offered for scheduled
8 service. Does your scheduled service accommodate
9 travelers to Bellevue if they have a flight arrival
10 between -- sorry; I apologize -- a flight arrival,
11 arrival between -- like, after 10:00 p.m.?
12 A No, the 10:00 p.m. cutoff time.
13 Q Okay. 10:00 p.m. cutoff time.
14 And what about, like, if we have travelers
15 leaving Bellevue, and they need to leave -- if their
16 flight is at 6:00 a.m., are they able to -- do you think
17 they could get there in time using your 4:00 a.m. pickup
18 time?
19 A Yes.
20 Q Is it like a correct understanding that
21 geographically speaking, Eagle Towncar does not have a
22 certificate that overlaps completely with PNTS's applied
23 territory?
24 ATTORNEY HOWARD: Your Honor, I would -- I'm
25 trying to limit my objections to what is prejudicial,

CROSS-EXAMINATION OF SELEWONDIM BY SO

1 given what your Honor has been stating so far.
2 I am concerned, hearing that question, that
3 that will be cited as a -- like a legal conclusion
4 against Eagle Towncar in the future.
5 The certificates are in the record. I think
6 that's a matter for the lawyers to talk about, what
7 covers and what is the same.
8 And I don't think Mr. Selowandim's admissions
9 about what's in or what services are in or out or
10 comparing them should be held against him.
11 And certainly the document should be placed in
12 front of him if she has specific questions about it.
13 JUDGE HUGHES: Yeah, that's fair.
14 Is that an exhibit, or is there anything about
15 his personal knowledge about the contents of the tariffs
16 that's important, or could we just proceed by reference
17 to them to the extent that you --
18 ATTORNEY SO: I can rephrase the question.
19 Your Honor, if --
20 JUDGE HUGHES: Yeah, let's --
21 Q (By Attorney So) Are you aware if your
22 application has any proposed routes in Redmond at this
23 time?
24 A Can you repeat that question, please.
25 Q Are you aware if your application, your

CROSS-EXAMINATION OF SELEWONDIM BY JONES

1 permanent application for authority, has any routes in
2 Redmond at this time?
3 Redmond going to Seattle, SeaTac Airport?
4 A No.
5 Q Okay. What about in Kirkland to SeaTac
6 Airport?
7 A No.
8 ATTORNEY SO: Thank you, your Honor. No
9 further questions.
10 JUDGE HUGHES: Thank you.
11 Staff?
12 ATTORNEY JONES: Thank you, your Honor.

CROSS-EXAMINATION

BY ATTORNEY JONES:

1 Q Just very briefly, I would like to ask if,
2 based on your experience in the industry and your
3 knowledge of the area, if both Eagle Towncar's and PNTS's
4 applications were to be approved, would this increased
5 competition in the Bellevue area be beneficial in any way
6 to the traveling public?
7 A Can you repeat that question for me, please?
8 Q Absolutely. I just wanted to ask if both
9 Eagle Towncar's and PNTS's applications were approved,
10 would the increased competition in the Bellevue area be

<p>REDIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 beneficial to the traveling public?</p> <p>2 A No.</p> <p>3 Q Could you explain why?</p> <p>4 A Right now is just the one company, the auto</p> <p>5 transport, is enough for the demand at those hotels.</p> <p>6 Q Would there be any benefits to any customers</p> <p>7 in regards to convenience, or are you saying that there's</p> <p>8 just -- there just aren't enough customers to justify two</p> <p>9 companies?</p> <p>10 A Yes.</p> <p>11 ATTORNEY JONES: Okay. Thank you. That's all</p> <p>12 my questions.</p> <p>13 JUDGE HUGHES: Thank you, counselor. Any</p> <p>14 redirect?</p> <p>15 ATTORNEY HOWARD: Just very briefly, your</p> <p>16 Honor.</p> <p>17</p> <p>18 REDIRECT EXAMINATION</p> <p>19 BY ATTORNEY HOWARD:</p> <p>20 Q Mr. Selewondim, you were -- Ms. So was asking</p> <p>21 you about whether you had Redmond or Kirkland routes.</p> <p>22 Do you know whether PNTS has authority for</p> <p>23 door-to-door service throughout King county?</p> <p>24 A Yes.</p> <p>25 ATTORNEY SO: Your Honor, objection.</p>	<p>REDIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 these routes?</p> <p>2 A Yes.</p> <p>3 ATTORNEY SO: Objection, your Honor.</p> <p>4 Speculation.</p> <p>5 ATTORNEY HOWARD: You just made an objection to</p> <p>6 the question. And the judge allowed me to ask it.</p> <p>7 I have no further questions.</p> <p>8 JUDGE HUGHES: I'll note speculation. I mean,</p> <p>9 he was asking about his knowledge about things that</p> <p>10 happened in the past. I don't think that requires</p> <p>11 speculation. So I will overrule.</p> <p>12 Okay. That brings us the end of the first</p> <p>13 witness. We're at 11:25, and it's at this point I'm</p> <p>14 going to start asking for time estimates.</p> <p>15 So we have our second witness.</p> <p>16 Oh, sorry. Mr. Selewondim, you are excused.</p> <p>17 Please stick around, though, if you'd like. Thank you</p> <p>18 for your time.</p> <p>19 JUDGE HUGHES: The next witness is going to be</p> <p>20 Kristi Kosmata. And let's see. Yes, I see you.</p> <p>21 Before I swear you in, Mr. Howard, a rough</p> <p>22 estimate amount of time?</p> <p>23 ATTORNEY HOWARD: Yes, your Honor. I'm just</p> <p>24 looking at my notes. And I believe that all our next --</p> <p>25 our three next witnesses, and those are our last</p>
<p>REDIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 JUDGE HUGHES: Basis of objection?</p> <p>2 ATTORNEY SO: I'd say object as to form. It's</p> <p>3 -- again, he's asking about PNTS's authority, your Honor.</p> <p>4 ATTORNEY HOWARD: Your Honor, I'll withdraw the</p> <p>5 question. I was just trying to introduce the topic.</p> <p>6 JUDGE HUGHES: Okay. Very well.</p> <p>7 ATTORNEY HOWARD: But I have -- I do have a</p> <p>8 question, though.</p> <p>9 JUDGE HUGHES: Okay. Rephrase, then. Yeah.</p> <p>10 Q (By Attorney Howard) Okay. Is it your</p> <p>11 understanding, Mr. Selewondim, that these Kirkland and</p> <p>12 Redmond routes were proposed only after you filed your</p> <p>13 temporary application?</p> <p>14 A Yes.</p> <p>15 Q And is it your understanding that PNTS has been</p> <p>16 operating for years in King County without proposing</p> <p>17 these routes?</p> <p>18 ATTORNEY SO: Objection, your Honor.</p> <p>19 Relevance.</p> <p>20 JUDGE HUGHES: Again, relevance will go to</p> <p>21 weight. I just -- I don't see it as prejudicial, so</p> <p>22 overruled.</p> <p>23 Q (By Attorney Howard) So, Mr. Selewondim, my</p> <p>24 question was, is it your understanding that PNTS has been</p> <p>25 operating for years in King County without proposing</p>	<p>REDIRECT EXAMINATION OF SELEWONDIM BY HOWARD</p> <p>1 witnesses, finishing out our witnesses, is going to be</p> <p>2 less than half the amount of time we had with</p> <p>3 Mr. Selewondim. And I will try to keep it brief.</p> <p>4 JUDGE HUGHES: Okay, so I'm actually going to</p> <p>5 say the goal here is going to be to get through Eagle</p> <p>6 Towncar's case.</p> <p>7 And I think we will be breaking for lunch. Just</p> <p>8 -- you know, but we'll see. Maybe we power through.</p> <p>9 ATTORNEY HOWARD: Your Honor, maybe could I</p> <p>10 just perhaps ask if any of our witnesses need a brief --</p> <p>11 a bio break, just because we have been here for a couple</p> <p>12 of hours just before they testify. So they're --</p> <p>13 JUDGE HUGHES: Yes. And you know what? I'll</p> <p>14 own it. I need to see the little boys room. So everyone</p> <p>15 else can in turn do what they wish with that time.</p> <p>16 So I'm going to set a timer. We're going to go</p> <p>17 -- it's 11:27. We're going to go off the record. Let's</p> <p>18 be back here at 12:32 ideally, but I'll wait for</p> <p>19 everybody.</p> <p>20 (Recess)</p> <p>21 JUDGE HUGHES: Okay. We are back on the</p> <p>22 record.</p> <p>23 And I'm just going to try to figure out how to</p> <p>24 get rid of this timer. No, still counting down. We got</p> <p>25 there. Okay. There I am.</p>

<p>DIRECT EXAMINATION OF KOSMATA BY HOWARD</p> <p>1 All right. We are back on the record. We are</p> <p>2 going to be turning to our second witness from Eagle</p> <p>3 Towncar, Kristi Kosmata. I see you on the camera.</p> <p>4 Can you be so kind as to raise your right hand?</p> <p>5 Do you swear under penalty of perjury that the</p> <p>6 testimony you offer is the truth, the whole truth, and</p> <p>7 nothing but the truth?</p> <p>8 THE WITNESS: I do, your Honor.</p> <p>9 JUDGE HUGHES: Very good.</p> <p>10 Thank you, counselor. You may proceed.</p> <p>11</p> <p>12 KRISTI KOSMATA, witness herein, having been first</p> <p>13 duly sworn on oath, was examined</p> <p>14 and testified as follows:</p> <p>15</p> <p>16 DIRECT EXAMINATION</p> <p>17 BY ATTORNEY HOWARD:</p> <p>18 Q Good morning, Ms. Kosmata. Could you tell us</p> <p>19 your name and your position with Hyatt?</p> <p>20 A Kristi Kosmata. And I'm the director of sales</p> <p>21 and marketing at the Hyatt Regency Bellevue.</p> <p>22 Q Thank you.</p> <p>23 In general terms, can you describe what your</p> <p>24 duties might be for Hyatt, or what your duties are? Let</p> <p>25 me put it that way.</p>	<p>DIRECT EXAMINATION OF KOSMATA BY HOWARD</p> <p>1 way from when he started in Bellevue. He introduced</p> <p>2 himself, you know, as he said, probably in 2011.</p> <p>3 And the relationship has been outstanding from</p> <p>4 the very beginning. He is an extension, as he said, of</p> <p>5 our sales team. Hyatt's purpose is to care for people so</p> <p>6 they can be their best.</p> <p>7 And I have to say, in all my years of working</p> <p>8 with vendors, he is one of the most caring, if the most</p> <p>9 -- probably the most caring person that I've ever met as</p> <p>10 a vendor.</p> <p>11 My sales team really works with him mostly, as</p> <p>12 he described, to bring in group customers that are</p> <p>13 looking to our hotel to book their conference. These</p> <p>14 customers might be looking just in the Seattle area. We</p> <p>15 might be competing with downtown Seattle, or we might be</p> <p>16 competing with ten different cities at that point.</p> <p>17 So he's picking them up at the airport, he and</p> <p>18 his team, and bringing them to the hotel. So he is the</p> <p>19 first impression of our hotel. And it's very important</p> <p>20 that everything that his company stands for is a</p> <p>21 reflection of our company, trustworthy, integrity.</p> <p>22 We have never, ever had any issues with Mintay</p> <p>23 and his company. In fact, he does go into selling our</p> <p>24 destination even before the customer lands at our door.</p> <p>25 My sales team can sleep well at night knowing</p>
<p>DIRECT EXAMINATION OF KOSMATA BY HOWARD</p> <p>1 A Of course. I've been here at this hotel for 20</p> <p>2 years.</p> <p>3 I've worked for Hyatt for 29 years and been in</p> <p>4 hospitality for 36 years.</p> <p>5 I've been at this hotel as the director of</p> <p>6 sales and marketing for all of the 20 years that I've</p> <p>7 been here.</p> <p>8 My job is essentially to fill this hotel every</p> <p>9 night. So I have a team of ten people. Most of the team</p> <p>10 is working with group customers. We're bringing group</p> <p>11 customers here to the hotel from all over the country and</p> <p>12 all over the world. About 40 percent of our business</p> <p>13 right now is group.</p> <p>14 We also have business travelers, so coming in</p> <p>15 from the large corporations. We negotiate accounts for</p> <p>16 Microsoft, Amazon, Meta, etc.</p> <p>17 And then we also have leisure customers that</p> <p>18 come in throughout the week as well, heavily on the</p> <p>19 weekends.</p> <p>20 I'm also in charge of marketing for this hotel.</p> <p>21 Q Thank you.</p> <p>22 And are you familiar with Mr. Selowondim?</p> <p>23 A Yes, of course.</p> <p>24 Q Please tell us about that.</p> <p>25 A Okay. Mintay and our hotel go back all the</p>	<p>DIRECT EXAMINATION OF KOSMATA BY HOWARD</p> <p>1 that Mintay has never missed a pickup, like I said. And</p> <p>2 it is really crucial. As I said, we're competing with a</p> <p>3 lot of cities to win business and even competing with</p> <p>4 downtown Seattle. So that is a relationship we've had all</p> <p>5 these years for these pickups.</p> <p>6 Also, our guest services team has used Mintay</p> <p>7 for his private car service all these years as well. He</p> <p>8 is well known to all of our staff, and everyone really,</p> <p>9 really enjoys working with him.</p> <p>10 Q Thank you.</p> <p>11 And when you refer to the name Mintay, which I</p> <p>12 understand is to be M-I-N-T-A-Y, is that short for</p> <p>13 Mintensinot Selowondim, Mintensinot being his first name?</p> <p>14 A Yes, it is.</p> <p>15 Q All right. Thank you. Just to be very formal</p> <p>16 and clear for the record.</p> <p>17 A Right.</p> <p>18 Q What might be the value of one of these</p> <p>19 conferences to Hyatt, that -- when you're -- you have</p> <p>20 someone coming from out of town to look for conference</p> <p>21 space?</p> <p>22 A Right. Some of these conferences can be up to</p> <p>23 a million dollars or more.</p> <p>24 So again, they are, you know, half a million</p> <p>25 dollars in room revenue, half a million dollars in food</p>

<p>DIRECT EXAMINATION OF KOSMATA BY HOWARD</p> <p>1 and beverage.</p> <p>2 And they could be looking at us for this year,</p> <p>3 or they could be looking at us for 2029. A hotel of this</p> <p>4 size, we book for the next five years. And it's critical</p> <p>5 that we secure the business, obviously, for the success</p> <p>6 of this hotel.</p> <p>7 Q Would you recommend Eagle Towncar to</p> <p>8 convention groups visiting your hotel?</p> <p>9 A Absolutely. And we do. We have. We recommend</p> <p>10 them all the time to use for their group people coming</p> <p>11 in. They have private vans that they can arrange for a</p> <p>12 small group of their people.</p> <p>13 Also, as I said, our guest services team uses</p> <p>14 Eagle Towncar all the time.</p> <p>15 Q Are you familiar with the price that Eagle</p> <p>16 Towncar charges for the Bellevue Airport Shuttle?</p> <p>17 A I am. \$30.</p> <p>18 Q Do you find that price point helpful for your</p> <p>19 guests?</p> <p>20 A Absolutely. So we have, over the years -- I'll</p> <p>21 go back to pre-Eagle Towncar or shuttle service. There</p> <p>22 was a company called Shuttle Express. And we utilized</p> <p>23 them.</p> <p>24 And it was important for the market to have a</p> <p>25 shuttle because we have people of all income levels,</p>	<p>CROSS-EXAMINATION OF KOSMATA BY SO</p> <p>1 caring.</p> <p>2 We don't want a service that doesn't -- is not</p> <p>3 an extension of our brand. This hotel has been in -- we</p> <p>4 are the largest hotel on the Eastside. We've been here</p> <p>5 for over 35 years. We're owned by Kemper Development.</p> <p>6 It's a local businessman here in the community. And we</p> <p>7 need someone that reflects our standards of service.</p> <p>8 Their schedule works great for our guests.</p> <p>9 4:00 a.m. in the morning, we have a lot of guests with</p> <p>10 early flights. It's wonderful to have a regular schedule.</p> <p>11 It's great to see their vans pull up on our -- by our</p> <p>12 front door.</p> <p>13 ATTORNEY HOWARD: Thank you. No further</p> <p>14 questions.</p> <p>15 JUDGE HUGHES: Sorry, I was muted.</p> <p>16 PNTS, do you have any questions?</p> <p>17 ATTORNEY SO: Thank you, Honor. Yes, I do.</p> <p>18 Apologies, I am coughing a lot right now, so sometimes</p> <p>19 I'm going off video because I'm having a coughing fit.</p> <p>20</p> <p>21 CROSS-EXAMINATION</p> <p>22 BY ATTORNEY SO:</p> <p>23 Q Hi, Mrs. Kosmata. Are you aware that Premier</p> <p>24 Airport Shuttle has authority to provide service to your</p> <p>25 hotel, Hyatt Regency of Bellevue?</p>
<p>DIRECT EXAMINATION OF KOSMATA BY HOWARD</p> <p>1 right? We have business travelers that can afford Uber</p> <p>2 and taxi and their own private town car. But we have</p> <p>3 people that are on all kinds of budgets.</p> <p>4 This hotel does, you know, 200,000 rooms sold a</p> <p>5 year. It's a very large hotel, 731 rooms, 70,000 square</p> <p>6 feet of event space. And so we do conferences, we do</p> <p>7 association business, we do education business, we do</p> <p>8 dance groups, we do religious business.</p> <p>9 So a lot of these guests are on, you know,</p> <p>10 budgets that they need an affordable mode of</p> <p>11 transportation. So once Shuttle Express went away, we --</p> <p>12 there was a void, and it wasn't filled for a while. So it</p> <p>13 was fantastic that Eagle Towncar brought the shuttle</p> <p>14 service into our market. It was something that we'd been</p> <p>15 looking for for a long time.</p> <p>16 Q Thank you.</p> <p>17 And so do you -- do you believe there is a need</p> <p>18 for this scheduled service through downtown Bellevue?</p> <p>19 A Absolutely.</p> <p>20 Q And do you believe, based on your experience</p> <p>21 today, that Eagle Towncar will provide that service in a</p> <p>22 satisfactory manner?</p> <p>23 A Absolutely. Like I said, we trust their</p> <p>24 service. They are reliable. That's the most important</p> <p>25 thing. They reflect our hotel's brand. They're very</p>	<p>CROSS-EXAMINATION OF KOSMATA BY SO</p> <p>1 A To be honest, I did not know of this service</p> <p>2 before. There was some communication back in the fall.</p> <p>3 I have -- like I said, I've been here 20 years. I was</p> <p>4 not aware of their company. No one over the years has</p> <p>5 approached me.</p> <p>6 Q Okay. So no one has approached you. But have</p> <p>7 you ever seen maybe a Pacific Northwest Transportation</p> <p>8 Services vehicle, like a Premier Airport Shuttle, do</p> <p>9 dropoffs at your hotel?</p> <p>10 A I have personally not</p> <p>11 Q And to your knowledge, have you had any</p> <p>12 complaints by hotel customers regarding Pacific</p> <p>13 Northwest, PNTS's, shuttle services?</p> <p>14 A I have not. But I am -- like I said, my job is</p> <p>15 director of sales and marketing. So I'm not down in the</p> <p>16 front office area, so I would not be receiving those</p> <p>17 complaints. But I have not seen any complaints that I</p> <p>18 came across in my world.</p> <p>19 Q Okay. And so are you aware of or have any</p> <p>20 knowledge that PNTS has missed any pickups at your hotel?</p> <p>21 A Like I said, that wouldn't be something that I</p> <p>22 would know about.</p> <p>23 Q Okay. So is there any reason that you have</p> <p>24 that would prevent Hyatt Regency from doing business with</p> <p>25 PNTS and allowing them to perform scheduled services at</p>

<p>CROSS-EXAMINATION OF KOSMATA BY SO</p> <p>1 your hotel?</p> <p>2 A There is no reason. I would voice the same</p> <p>3 concerns of having several different companies doing the</p> <p>4 same route.</p> <p>5 I don't -- you know, we haven't had a shuttle</p> <p>6 service in a long time. And so I think it's -- people</p> <p>7 have learned to take different methods of transportation.</p> <p>8 It's wonderful that we now have an affordable option for</p> <p>9 guests.</p> <p>10 But light rail is also coming to the Eastside,</p> <p>11 and so that's going to be another option for people.</p> <p>12 So I think that there probably are -- there are</p> <p>13 not enough customers to have two transportation options.</p> <p>14 And I think it would be confusing as well,</p> <p>15 certainly, to have two -- two named the same.</p> <p>16 Q But weren't you just describing about the many</p> <p>17 conventions Hyatt Regency holds, and associations for</p> <p>18 businesses and dances and different businesses and --</p> <p>19 A Absolutely. But I feel that the transportation</p> <p>20 option that we have through this service provides great</p> <p>21 -- I don't think that he's at max capacity at this point.</p> <p>22 And like I said, there's light rail is coming</p> <p>23 this year, which is going to be a big change, because</p> <p>24 people are now going to have another option.</p> <p>25 Q Okay. And how many -- do you know how many</p>	<p>DIRECT EXAMINATION OF ADAMS BY HOWARD</p> <p>1 I believe, is Megan Adams. And I see you on screen, so</p> <p>2 if you can turn your microphone on and raise your right</p> <p>3 hand?</p> <p>4 Do you swear under penalty of perjury that the</p> <p>5 testimony you offer is the truth, the whole truth, and</p> <p>6 nothing but the truth?</p> <p>7 THE WITNESS: I do.</p> <p>8 JUDGE HUGHES: Very good. Please proceed,</p> <p>9 counselor.</p> <p>10</p> <p>11 MEGAN ADAMS, witness herein, having been first duly</p> <p>12 sworn on oath, was examined and</p> <p>13 testified as follows:</p> <p>14</p> <p>15 DIRECT EXAMINATION</p> <p>16 BY ATTORNEY HOWARD:</p> <p>17 Q Well, good morning, Ms. Adams. Could you tell</p> <p>18 us your name and your position and employer for the</p> <p>19 record?</p> <p>20 A Yes. Good morning. My name is Megan Adams,</p> <p>21 and I am the director of destination stewardship and</p> <p>22 community relations for Visit Bellevue.</p> <p>23 I have been with Visit Bellevue for two years.</p> <p>24 Q Thank you.</p> <p>25 And do you have your CTA certificate?</p>
<p>CROSS-EXAMINATION OF KOSMATA BY SO</p> <p>1 hotel stayers you have a day leaving your hotel to go to</p> <p>2 SeaTac Airport?</p> <p>3 A How many what?</p> <p>4 Q Hotel stayers, customers?</p> <p>5 A Oh, stayers. I do not know. I mean, people are</p> <p>6 -- you know, I don't know the breakdown of how many</p> <p>7 people are flying versus driving their own cars versus</p> <p>8 being picked up. A lot of people that come to</p> <p>9 conventions as well are local.</p> <p>10 Q Okay.</p> <p>11 A I don't have that number.</p> <p>12 Q Okay. Thank you.</p> <p>13 Your Honor, no further questions.</p> <p>14 JUDGE HUGHES: Mute button. Okay. Thank you,</p> <p>15 counselor.</p> <p>16 Staff?</p> <p>17 ATTORNEY JONES: Staff has no questions. Thank</p> <p>18 you.</p> <p>19 JUDGE HUGHES: Thanks. Okay. Any redirect?</p> <p>20 ATTORNEY HOWARD: No redirect, your Honor.</p> <p>21 JUDGE HUGHES: Very good. Questions from the</p> <p>22 bench, I don't have any.</p> <p>23 Thank you for your time. You are excused,</p> <p>24 Ms. Kosmata. Feel free to stick around.</p> <p>25 We have our third witness for Eagle Towncar,</p>	<p>DIRECT EXAMINATION OF ADAMS BY HOWARD</p> <p>1 A I do.</p> <p>2 Q And can you tell us what that is?</p> <p>3 A Absolutely, yeah. So CTA is a certified</p> <p>4 tourism ambassador program. It's a national program, and</p> <p>5 it trains people to be in the hospitality industry to</p> <p>6 welcome, greet, engage with, promote, and support</p> <p>7 visitors that come to town; not only visitors, but locals</p> <p>8 and local businesses. So it's an important part of what</p> <p>9 Visit Bellevue does.</p> <p>10 Our mission is to stimulate economic growth and</p> <p>11 development in Bellevue's visitor economy and inspire</p> <p>12 memorable visitor experiences.</p> <p>13 So this certified tourism ambassador program</p> <p>14 not only is important for our sector, the hospitality</p> <p>15 sector, but it's also an important part of making people</p> <p>16 feel welcomed when they're in Bellevue.</p> <p>17 Q Thank you.</p> <p>18 And how long have you worked in the travel or</p> <p>19 hospitality industries?</p> <p>20 A Yeah, so officially with Visit Bellevue, I've</p> <p>21 been in this capacity for two years.</p> <p>22 However, as far as community relations and</p> <p>23 community engagement, supporting the community, I have</p> <p>24 done that for 25 years. I used to do community relations</p> <p>25 for Village Theater in Issaquah, and building resources</p>

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1 and supporting our community was a big part of not only
2 my passion, but also the work that I have done.
3 Q Thank you.
4 And can you tell us, kind of at a high level,
5 how Visit Bellevue partners with local businesses such as
6 airport shuttle companies?
7 A Yeah, great question. So Visit Bellevue is
8 funded by the TPA, the Tourism Promotion Area, overnight
9 stays. And with that funding, we are able to provide a
10 free partnership model.
11 And let me clarify. So, many destination
12 management organizations provide membership models where
13 they charge people, and then they're able to promote them
14 on their website.
15 Visit Bellevue is able to provide these
16 promotions. So an account on our CRM, a listing on our
17 CRM, and then also enabling local businesses to list
18 different events that they're providing or promotions on
19 our CRM. And we do this for local businesses at no cost
20 to them.
21 It is critical to us that not only are we
22 promoting local businesses, but that we promote in an
23 accessible way because there's businesses of all sizes.
24 And so we provide these resources, marketing resources,
25 event listing, promotion listings, at no cost to local

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1 add keywords, subcategories, digital assets, videos,
2 social media. There's a large amount of things that we
3 help them to include in their listing. So that's what we
4 do with all our local businesses.
5 The preferred provider aspect, I would say, is
6 we talk to our partners every single day. Not only
7 myself, which is on the partnership side, but also our
8 visitor experience and our sales team. We are talking to
9 our local partners all the time.
10 And we have heard time and time again that they
11 trust Eagle Towncar Service. And because of that feedback
12 from them, we have been in regular conversation with
13 Eagle Towncar Service.
14 I will also add that our sales team -- like
15 Kristi mentioned, our sales team is welcoming
16 conventions, journalists, every single week. And when we
17 welcome them, we want to provide transportation to them
18 that is welcoming, hospitable, informative, safe,
19 reliable, communicative. Eagle Towncar Service has done
20 all of those things.
21 So with our sales team, I know that he and his
22 team have been preferred providers to them because of
23 regular and consistent service throughout these years.
24 Q Thank you.
25 And are you familiar with Eagle Towncar's

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1 businesses.
2 Q And does Visit Bellevue have preferred
3 partners, and if so, can you tell us what that is?
4 A Absolutely. So let me start with this: When a
5 business reaches out to us, we first meet with them.
6 That might be an e-mail introduction, or an in-person, or
7 a Zoom meeting like this.
8 And then we'll meet with them, learn about
9 their company, and then help them to create a listing on
10 our website.
11 So let's say Eagle Towncar Service, they
12 reached out to us. I will tell you that we have heard
13 from them. In my short time, I have heard from them from
14 our local hoteliers countless times. It has been a
15 preferred provider to them.
16 So when I met with Mintay -- and I'm sorry.
17 Mintay, I don't even know your full name. I've just
18 called you Mintay this whole time.
19 When I met with Mintay to learn about his
20 business, I learned that not only -- I learned about his
21 business, I helped him create an account, and I helped
22 him create a listing on our website.
23 This is the same thing we do for other
24 business. We build an account, we provide a listing, and
25 with that, there will be a number of things. People can

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1 scheduled service under the Bellevue Airport Shuttle
2 name?
3 A Yes.
4 Q Do you believe there is a need for this
5 service?
6 A Absolutely. As Kristi mentioned, we have all
7 people from across the world coming to Bellevue. And it
8 is -- it is imperative to us that they can have reliable
9 and affordable, consistent transportation options to SEA.
10 And so when we had this original conversation,
11 learning, you know, not only exploring like, well -- and
12 Mr. Howard, can you repeat that question, because I want
13 to make sure I get those key elements again. Excuse me.
14 Q Oh, I was -- I believe I asked if you believe
15 there is a need for this service, referring to the
16 scheduled service in downtown Bellevue.
17 A Yes. So we have heard this need not only from
18 convention coordinators, but journalists and locals
19 alike, because transportation to SEA is not only -- it's
20 a very congested 405, as we all know, but also it's
21 affordable.
22 And sometimes people will say, yes, we provide
23 transportation to SEA, and it lists a certain amount.
24 And then when you actually make the booking, it's much,
25 much more. Certainly with Uber and Lyft, we see very

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1 high inflated rates depending on the time of day.
2 So we wanted it to be not only affordable, but
3 consistent and clear. So that's why we set up these five
4 pickup points, or rather that's why Eagle Towncar Service
5 has these five pickup points and this dollar amount. It
6 has been so needed and requested by locals and visitors
7 and the hospitality sector.
8 Q Thank you.
9 And going back to September 2024, did you reach
10 out to PNTS, Premier Airport Shuttle, before September
11 2024 about potentially providing some transportation
12 services?
13 A Yeah.
14 Q And can you tell us about that?
15 A You bet. You bet. Thank you, Mr. Howard.
16 Yeah, so Premier Airport Shuttle reached out to
17 us, actually, in April -- I'm looking at my notes. In
18 April of 2023, they reached out saying they would like to
19 have a listing with Visit Bellevue.
20 I responded with yes, thank you for your
21 interest in partnering. Here is how you get an account,
22 a listing. Here's some directions on how to do it. And
23 if you have additional questions, we have a partner -- at
24 that time, we called it a partner meetup, that would be
25 happening on Tuesday, May 2nd of 2023. We invite you to

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1 I followed up and said absolutely, and in the
2 way I explained; so that we would be happy to provide
3 them, here's what we need from them, and if they need
4 help, here are the resources we have, including online
5 resources and in person resources.
6 Q But is it -- just to clarify, did those
7 conversations with PNTS take place following their
8 September 25th communication to you?
9 A Those first two pieces of correspondence
10 happened in 2023, April of 2023.
11 And then Premier Airport Shuttle followed up
12 and fulfilled the account and listing, fulfilled those
13 steps in September of 2024, so over a year later.
14 Q Okay. Thank you.
15 Did PNTS ask that Visit Bellevue list their
16 company under the name Bellevue Airport Shuttle in any
17 way on Visit Bellevue's website?
18 A Yeah. So, when we received that update on
19 their account and listing, the name Bellevue Airport
20 Shuttle was added.
21 And again, that happened in September of 2024.
22 I don't have record of how many places Bellevue Airport
23 Shuttle was added to that listing, but what I recall are
24 there were multiple. I don't know how many.
25 Q Did PNTS -- and I apologize if you've said

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1 attend and have the information on how to participate.
2 I heard back from Premier Airport Shuttle on
3 Wednesday, September 25th of 2024, so over a year later,
4 saying, I just updated the profile information for our
5 airport shuttle services. Please let me know if you have
6 any questions or if I need to provide any additional
7 information.
8 So, again, that early correspondence was April
9 2023, and the followup from Premier Airport Shuttle was
10 September 25th of 2024. And at that time, I helped to
11 make sure that that account and that listing was
12 activated and made sure that John and his team were able
13 to upload digital assets, things like that.
14 Q Okay. Just to clarify for the record, so, you
15 know PNTS followed up on September 25, 2024. And
16 earlier, a moment ago, you referred to April 2023, I
17 believe.
18 A Yes.
19 Q Was that -- was that a communication sent out
20 by Visit Bellevue, or was that PNTS reaching out to Visit
21 Bellevue in April 2023?
22 A Thank you so much.
23 I responded to Premier Airport Shuttle reaching
24 out to us. So they reached out to us, saying they'd like
25 to have a listing.

DIRECT EXAMINATION OF ADAMS BY HOWARD

1 this. Did PNTS attend something called a partnership
2 activation meeting with your organization?
3 A Yes, they did, where we reviewed how to build
4 an account listings, and boost their SEO on our website.
5 We also articulated ways to network and communicate, and
6 then provide resources to entities like local hotels,
7 directors of sales, community members.
8 That's a big part of what we do. We want to
9 provide resources to our partners. It's a part of our
10 mission.
11 Q Would it be fair to say, though, that PNTS only
12 -- that that meeting occurred after September 25, 2024?
13 ATTORNEY SO: Objection, your Honor.
14 JUDGE HUGHES: Basis?
15 ATTORNEY SO: Object as to form. Mr. Howard is
16 almost, like, testifying on behalf of Mrs. Adams by his
17 question.
18 JUDGE HUGHES: Counselor, can you rephrase your
19 question?
20 ATTORNEY HOWARD: Certainly.
21 Q (By Attorney Howard) The partnership
22 activation meeting we've discussed, do you recall if that
23 was before or after September 25, 2024?
24 A I'm sorry. That, I don't. I don't remember
25 when that meeting was. I would have to do some research.

<p>DIRECT EXAMINATION OF ADAMS BY HOWARD</p> <p>1 I'm happy to do that.</p> <p>2 Q Thank you.</p> <p>3 A Mm-hm.</p> <p>4 Q So, to your knowledge, as a director at Visit</p> <p>5 Bellevue, and based on your understanding of Visit</p> <p>6 Bellevue's policies, does Visit Bellevue have any further</p> <p>7 obligations to promote PNTS in a different way than it is</p> <p>8 now?</p> <p>9 A No. At this time, we have done -- we have done</p> <p>10 what we offer to all local businesses, which again, is</p> <p>11 helping businesses create an account, helping them create</p> <p>12 a listing which includes subcategories, keywords,</p> <p>13 descriptors.</p> <p>14 PNTS has a robust descriptor and a descriptor</p> <p>15 underneath their listing, as well as keywords, and then</p> <p>16 invitation to network and connect with us and local</p> <p>17 partners through our different events throughout the</p> <p>18 year. And they are included in those invitations.</p> <p>19 Q To your knowledge, does Visit Bellevue consider</p> <p>20 PNTS a preferred partner?</p> <p>21 A Not to my knowledge. And that mostly is</p> <p>22 because when we had conversations with local hotels and</p> <p>23 asked them who their preferred provider was, PNTS never</p> <p>24 came up.</p> <p>25 I spoke with many hotels about who they have</p>	<p>1 Bellevue.</p> <p>2 And like every other local business, we welcome</p> <p>3 them to meet with us. We learn about their business, we</p> <p>4 help them create an account, and then we help them create</p> <p>5 a listing. And then it's based on their followup that</p> <p>6 they can have representation on our website.</p> <p>7 And Mintay, Mintay and his wife Helen both</p> <p>8 participated in those meetings and provided us with</p> <p>9 resources so we could have them -- they could have an</p> <p>10 account and a listing on our website.</p> <p>11 When it came to specifically regarding the</p> <p>12 Bellevue Airport Shuttle, this was after we had been</p> <p>13 reached out to by many conventions that said, We want a</p> <p>14 set time transportation service from the hotels to SEA.</p> <p>15 Does Bellevue have anything that's set up right now?</p> <p>16 And as I mentioned, after speaking to many</p> <p>17 hotels, they had referred us to Mintay.</p> <p>18 And so I followed up with PNTS to have an</p> <p>19 exploratory meeting about is this something that he could</p> <p>20 provide, with the understanding that affordability was</p> <p>21 critical. And so that --</p> <p>22 Q So sorry to interrupt. Did you mean PNTS or</p> <p>23 Eagle Towncar?</p> <p>24 A Thank you so much. Good job.</p> <p>25 I meant Eagle Towncar Service.</p>
<p>1 been using, and Eagle Towncar Service was by far the most</p> <p>2 recommended and preferred provider when it came to</p> <p>3 transportation to SEA and private transportation.</p> <p>4 ATTORNEY HOWARD: Thank you. No further</p> <p>5 questions at this time.</p> <p>6 JUDGE HUGHES: PNTS?</p> <p>7 ATTORNEY SO: Thank you, your Honor. I do have</p> <p>8 a few questions.</p> <p>9</p> <p>10 CROSS-EXAMINATION</p> <p>11 BY ATTORNEY SO:</p> <p>12 Q Mrs. Adams, you had previously testified about</p> <p>13 meeting with Mintay and learning about his business.</p> <p>14 Can you expand on that a little bit more in</p> <p>15 terms of was it through the partner meetup this occurred,</p> <p>16 and what happened when he reached out to you guys about</p> <p>17 his business?</p> <p>18 A When Eagle Towncar Service and I met?</p> <p>19 Q Yes. Correct.</p> <p>20 A Yeah.</p> <p>21 Q And when that was.</p> <p>22 A Oh, that's a great question.</p> <p>23 So let me start with the first part of the</p> <p>24 question, which is meeting with Mintay to learn about his</p> <p>25 services. That happened early on in my time at Visit</p>	<p>1 Q Okay.</p> <p>2 A Thank you. I think I'm still talking, aren't</p> <p>3 I?</p> <p>4 So what -- after that moment -- formality is</p> <p>5 not my thing, friends. So after that conversation -- so,</p> <p>6 again, heard a demand, had an exploratory conversation to</p> <p>7 see is this possible? Where is the demand? Could it be</p> <p>8 done in a very affordable set amount where it doesn't ebb</p> <p>9 and flow based on time of day? And so, we had that</p> <p>10 exploratory conversation.</p> <p>11 And then it was at that time there was an</p> <p>12 engagement with our visitor experience team to see if</p> <p>13 this is a program that Visit Bellevue could help to</p> <p>14 sponsor and partner with.</p> <p>15 Q Okay. And when did that occur, where you heard</p> <p>16 from conventions that there was a need for, you know, a</p> <p>17 set time for shuttle services?</p> <p>18 A We have heard -- I mean, as I mentioned, I have</p> <p>19 been with Visit Bellevue for two years. I have heard</p> <p>20 that the entirety of my time with Visit Bellevue. That</p> <p>21 is something that our convention services, sales team,</p> <p>22 event services, hears constantly.</p> <p>23 Q Okay. And so did you reach out to Eagle</p> <p>24 Towncar? Did you reach out to Mintay as --</p> <p>25 A Yes. But --</p>

<p>1 Q Okay.</p> <p>2 A -- first, that was after speaking to hotels</p> <p>3 about who their preferred provider was.</p> <p>4 Q Okay. And when was that, when you reached out</p> <p>5 to Eagle Towncar?</p> <p>6 A Yeah, I believe that was in the spring of 2024.</p> <p>7 Q Okay. Okay. And then you had previously</p> <p>8 mentioned that PNTS reached out to Visit Bellevue in</p> <p>9 April of 2023, is that correct?</p> <p>10 A To have a listing on our website, yes.</p> <p>11 Q To have a listing. Okay.</p> <p>12 And, like, did you ever meet with PNTS to, you</p> <p>13 know, learn more about the business and get to know them</p> <p>14 and try to promote the business?</p> <p>15 A Thank you so much.</p> <p>16 I responded with an e-mail, as I do with every</p> <p>17 partner, saying thank you so much for your interest.</p> <p>18 Here is how you create an account. Here is how you</p> <p>19 create a listing. Make sure to upload digital assets,</p> <p>20 and if you'd like to meet in person, here is the time.</p> <p>21 That is uniform. That is uniform with our</p> <p>22 partners. And I did that back in 2023.</p> <p>23 Q Okay. And so would you say when you were</p> <p>24 hearing from the conventions and hotels that there was a</p> <p>25 need for a shuttle service and they had recommended Eagle</p>	<p>1 the internal. I knew Patrick would be able to access it.</p> <p>2 But you said 12 is the one we're about to look</p> <p>3 at?</p> <p>4 ATTORNEY SO: Correct.</p> <p>5 JUDGE HUGHES: Let me -- let me see.</p> <p>6 ATTORNEY HOWARD: Your Honor, I could try to</p> <p>7 e-mail a copy to Ms. Adams.</p> <p>8 JUDGE HUGHES: Sure. Yeah, that works. Let's</p> <p>9 raise. I'll see if I can find on the forward-facing</p> <p>10 site.</p> <p>11 ATTORNEY HOWARD: I e-mailed a copy of the</p> <p>12 exhibit. It should hopefully come through momentarily.</p> <p>13 ATTORNEY SO: Thank you.</p> <p>14 Ms. Adams, once you receive that exhibit,</p> <p>15 PNTS-12, go ahead and take some time to review it and let</p> <p>16 me know when you're done.</p> <p>17 JUDGE HUGHES: Oh, thank you, Ryan.</p> <p>18 There's a link in the chat for those who are so</p> <p>19 interested.</p> <p>20 ATTORNEY SO: Thank you.</p> <p>21 THE WITNESS: Hi. I have read it.</p> <p>22 Q (By Attorney So) Thank you.</p> <p>23 If I could bring your attention to -- sorry.</p> <p>24 Do you recognize this document?</p> <p>25 A Yeah.</p>
<p>1 Towncar, did it occur to you to reach out to PNTS as</p> <p>2 well, knowing that they were a shuttle service providing,</p> <p>3 you know, shuttling from Bellevue to SeaTac Airport?</p> <p>4 A Thank you.</p> <p>5 I have -- I had never heard of PNTS, nor were</p> <p>6 they ever recommended by any of our hotel partners, our</p> <p>7 sales team, or conventions that had been here before.</p> <p>8 That was not a recommended preferred provider by anyone</p> <p>9 we spoke with.</p> <p>10 And as I've mentioned, we speak with them</p> <p>11 weekly. Not only myself, but our team.</p> <p>12 Q Right. But you just testified that you heard</p> <p>13 from PNTS in April of 2023.</p> <p>14 A Yeah, absolutely. And they didn't follow up.</p> <p>15 They did not create -- they did not create an account,</p> <p>16 and they did not create a listing at that time.</p> <p>17 They followed up in 2024 of this past fall.</p> <p>18 ATTORNEY SO: Okay.</p> <p>19 And can I introduce one of our exhibits, your</p> <p>20 Honor, PNTS-12?</p> <p>21 Ms. Adams, I don't know if you have -- the link</p> <p>22 that you sent, your Honor, it didn't work for me. But I</p> <p>23 don't know if it's the same for others.</p> <p>24 JUDGE HUGHES: Oh, we can have records staff</p> <p>25 find a public-facing link. I think the one I have is for</p>	<p>1 Q And can you tell me what it is?</p> <p>2 A I believe it's an e-mail that I sent to PNTS.</p> <p>3 Q If I could direct your attention to the sixth</p> <p>4 page.</p> <p>5 A Oh, wait a second. Sorry, I didn't -- I'm not</p> <p>6 seeing many pages, so I want to make sure. Sorry.</p> <p>7 Q Oh, no, that's okay.</p> <p>8 A Okay. So sorry, I only read the first part.</p> <p>9 Q Oh, no problem.</p> <p>10 A Okay.</p> <p>11 Q Yeah. There's -- on the sixth page, it's an</p> <p>12 e-mail from you to PNTS. It's dated October 28, 2024.</p> <p>13 If you could review that one for me.</p> <p>14 A Okay. I found that page. Thank you.</p> <p>15 Okay. I have skimmed it. Thank you.</p> <p>16 Q Okay, great. Yeah. And if you can read the</p> <p>17 like, third sentence in the first paragraph, "With an</p> <p>18 estimated 2 million."</p> <p>19 A Yes. Would you like me to read that out loud,</p> <p>20 Ms. So? What are you wanting me to do?</p> <p>21 Q Yes, please. Sorry. Thank you.</p> <p>22 A That's okay. And you want me to read, "Hello,</p> <p>23 John and Robinson," from there?</p> <p>24 Q You can just start from there, "With an</p> <p>25 estimated 2 million." That's fine too.</p>

<p>1 A Oh, okay. Thank you.</p> <p>2 We estimate your -- "We appreciate your</p> <p>3 interest in expanding shuttle services in Bellevue. With</p> <p>4 an estimated 2 million visitors coming to Bellevue</p> <p>5 annually, we believe there's a significant opportunity</p> <p>6 for everyone to thrive in this growing market."</p> <p>7 Q Thank you.</p> <p>8 Is that -- would you still -- do you still</p> <p>9 agree with that statement?</p> <p>10 A That there is room for all, all shuttle</p> <p>11 services in Bellevue to be able to provide services?</p> <p>12 Q Yes. And thrive?</p> <p>13 A In general, there is room in Bellevue for</p> <p>14 different types of transportation modes to SEA.</p> <p>15 I believe what you're asking is, is there space</p> <p>16 for the same set pickup location?</p> <p>17 And in that case, I would say no. I believe</p> <p>18 that right now, this program is building. And there is</p> <p>19 demand, but it is still being established.</p> <p>20 However, when we look at all of Bellevue and</p> <p>21 the different needs of people, whether it be point to</p> <p>22 point on demand, with Uber or Lyft or light rail coming</p> <p>23 up, everyone will have different preferences. But there</p> <p>24 will be many people that are looking for different types</p> <p>25 of shuttle services.</p>	<p>1 So the types of conversations I'm having with</p> <p>2 people, and we are having from people, it's every day</p> <p>3 asking for representation and promotions for their</p> <p>4 services.</p> <p>5 So we have been reached out to by many shuttle</p> <p>6 services, and in fact, a lot more since September. And</p> <p>7 we gladly include them on our listings on our website.</p> <p>8 So, no. Have I called every hotel and said,</p> <p>9 Here are all the places? No. However, it is easily</p> <p>10 searchable on our website under keywords, subcategories,</p> <p>11 and listings.</p> <p>12 The other thing I will say, as I mentioned,</p> <p>13 when we met with hotels, I mean across the board, each</p> <p>14 hotel that I met with regarding this, they recommended</p> <p>15 Eagle Towncar Service. So that is where this connection</p> <p>16 and this support came from.</p> <p>17 We always refer our partners and our hoteliers</p> <p>18 to our website to find other resources and other</p> <p>19 companies that they can explore. If the one that they</p> <p>20 are using right now isn't working, they can always use</p> <p>21 our listings and our accounts to find more information</p> <p>22 and more resources for what they need.</p> <p>23 Q Thank you for your answer.</p> <p>24 I may not have been very clear in my question,</p> <p>25 but what I was asking was since PNTS has applied --</p>
<p>1 And so in general, the answer would be yes. I</p> <p>2 don't know if I can expand on that. And I'm not</p> <p>3 necessarily -- you know, that's what I can expand on.</p> <p>4 Q Okay, and is that through any specific study</p> <p>5 you guys have performed, Visit Bellevue, or is that just</p> <p>6 your own personal opinion?</p> <p>7 A Again, that's from conversing with many</p> <p>8 hoteliers, DOS's, community members, Chamber of Commerce,</p> <p>9 and seeing what the need was and understanding which</p> <p>10 hotels have the most demand for this type of shuttle.</p> <p>11 The route was, I believe, was based on that.</p> <p>12 Now again, Visit Bellevue is a partial sponsor</p> <p>13 and a partner in this. It is not our company. This is</p> <p>14 based on what we heard from hoteliers and what Eagle</p> <p>15 Towncar Service knew from previous services and business</p> <p>16 offerings.</p> <p>17 Q And so, since PNTS's application filed in</p> <p>18 November 2024, have you gone back to these hotels or</p> <p>19 conventions to say, hey, there's a second company?</p> <p>20 Have you got confirmation or their opinion that</p> <p>21 there's not going to be enough passengers to go around</p> <p>22 for two companies, or is there still a need?</p> <p>23 A Yeah. Thank you. We have a limited team, and</p> <p>24 we have many companies that reach out to us every day</p> <p>25 because again, we have a free partnership model.</p>	<p>1 submitted their extension for application in the end of</p> <p>2 November, specifically November 20, 2024, have you gone</p> <p>3 back to your resources, your conventions, hotels, who</p> <p>4 have been saying that they need shuttle service?</p> <p>5 Have you gone back to let them know that, you</p> <p>6 know, there is another shuttle service company who is</p> <p>7 requesting some similar or same services, and they have</p> <p>8 explicitly stated that no, that's not needed; there's not</p> <p>9 enough, like, hotel clients, clientele staying here for</p> <p>10 the second entity?</p> <p>11 ATTORNEY HOWARD: Objection. Asked and</p> <p>12 answered. I believe she just discussed that same</p> <p>13 question at some length.</p> <p>14 ATTORNEY SO: She explained how people can go</p> <p>15 to the website. I don't think she was answering the</p> <p>16 question I asked, your Honor.</p> <p>17 ATTORNEY HOWARD: She was explaining she didn't</p> <p>18 go back to the hotels to have those conversations as far</p> <p>19 as I recall.</p> <p>20 Q (By Attorney So) Is that what you say, then,</p> <p>21 Mrs. Adams?</p> <p>22 Sorry. I must have missed that.</p> <p>23 A Yeah, as I said, I did not go out individually</p> <p>24 myself and meet with each one --</p> <p>25 Q Okay.</p>

<p>1 A -- after them to articulate all of the services 2 that are available to them.</p> <p>3 But we always refer to them, or rather refer to 4 our website, which has high traffic and lists all of the 5 shuttle providers and where they provide services to. We 6 always refer to that. And we use that in our sales and 7 we use that in our convention services. So like the 8 services we provide to other companies, that is what we 9 did to PNTS.</p> <p>10 Q Okay. Thank you.</p> <p>11 And just going back to you stating that Visit 12 Bellevue is like a partial sponsor and partner with Eagle 13 Towncar or Bellevue Airport Shuttle, can you elaborate, 14 then, what -- this relationship you have with Eagle 15 Towncar?</p> <p>16 ATTORNEY HOWARD: Objection. Misstates prior 17 testimony. She never used the term "sponsor."</p> <p>18 ATTORNEY SO: She did, your Honor.</p> <p>19 JUDGE HUGHES: Oh, we don't have a recorder. 20 Let's see. Can you please rephrase the 21 question?</p> <p>22 And then, Ms. Adams, if you can clarify the 23 terms because, you know, we are about formalism a little 24 bit.</p> <p>25 So please ask the question again, counselor.</p>	<p>1 Q Do you know whether or not Visit Bellevue 2 funded the car wrapping or shuttle wrapping Mr. Mintay 3 previously testified to?</p> <p>4 A Thank you.</p> <p>5 I would like to -- I can't answer that 6 specifically.</p> <p>7 Q Okay. Thank you.</p> <p>8 JUDGE HUGHES: To be clear, is that from a lack 9 of knowledge, or some other --</p> <p>10 THE WITNESS: Correct. Oh, thank you.</p> <p>11 Because my colleague Meredith is more prepared 12 to answer those questions. She has those details. I 13 don't.</p> <p>14 JUDGE HUGHES: Okay. So we will wait for 15 Ms. Langridge, then. Thank you.</p> <p>16 THE WITNESS: Thank you very much.</p> <p>17 ATTORNEY SO: Thank you, Mrs. Adams.</p> <p>18 So perhaps maybe I should -- is Eagle Towncar 19 going to be calling Mrs. Langridge?</p> <p>20 Should I save my questions regarding 21 sponsorship and funding for her as opposed to Mrs. Adams?</p> <p>22 JUDGE HUGHES: It seems that's -- yes, that 23 this is -- she's saying it's outside of her expertise.</p> <p>24 I believe Mr. Howard has indicated they're 25 going to be calling everybody. And I think we're trying</p>
<p>1 And, Ms. Adams, please clarify the nature of 2 the relationship with specific terminology.</p> <p>3 Q (By Attorney So) Should I take a step back and 4 ask, is Visit Bellevue a sponsor or partial sponsor with 5 Eagle Towncar?</p> <p>6 A Yes. And into that, I want to be clear that in 7 my position, my role is to speak with partners and help 8 to create listings and accounts on the website to help 9 build programs for various things.</p> <p>10 My colleague, who is also on the call, is in 11 charge of those sorts of funding support opportunities.</p> <p>12 I am not as well prepared to talk about those 13 things because that's not exactly the work that I do. But 14 yes, we are a partial sponsor and partner of the Bellevue 15 Airport Shuttle.</p> <p>16 Q Okay. And so what does that mean specifically?</p> <p>17 A Thank you.</p> <p>18 I would like to -- if I may, I would like to 19 ask my colleague to talk on behalf of that, as she is 20 more informed about those relationships as far as 21 sponsorships are concerned.</p> <p>22 But we provide a small amount of funding to 23 support the launch of new programs when we understand 24 that there is a demand from our partners and the 25 community. That's all I can say, I'd say.</p>	<p>1 to do that before lunch too, just as a general 2 scheduling.</p> <p>3 Q (By Attorney So) Okay. This is a couple of 4 other questions that aren't related to, I guess, 5 sponsorship.</p> <p>6 But are you -- do you know with working with 7 Eagle Towncar, then, was it Visit Bellevue who developed 8 the Bellevue Airport Shuttle?</p> <p>9 A The name selection?</p> <p>10 Q Yeah, that can -- you can answer that question 11 first, and then I can go into further questions.</p> <p>12 A I am aware of multiple brainstorming sessions 13 as to what the name might be. But we were not the 14 deciding factor on specifically the name. I believe that 15 was Eagle Towncar Service. But there were discussions 16 about different titles of the service.</p> <p>17 Q And what about picking the stops in the 18 scheduled service?</p> <p>19 A Again, that was a decision ultimately that was 20 made by Eagle Towncar Service based on recommendations 21 and demand from those services, as well as conversations 22 with our local partners.</p> <p>23 One thing that we know is we -- it was 24 important to us that it was accessible for the majority 25 of the downtown corridor visitor sector. And these hotels</p>

<p>1 were very accessible.</p> <p>2 And then Eagle Towncar Service, they had a</p> <p>3 close relationship with those hotels. They serve them</p> <p>4 all the time. They are well known. They are a preferred</p> <p>5 provider by them.</p> <p>6 And because of those two things, accessibility</p> <p>7 and location, and the fact that they were already a</p> <p>8 preferred provider, Eagle Towncar Service, I believe,</p> <p>9 selected those hotels in the end.</p> <p>10 Q Okay. And do you know whether or not Eagle</p> <p>11 Towncar was a preferred provider for every one of those</p> <p>12 Bellevue hotels, or was it just one Bellevue hotel</p> <p>13 recommended their name and then you reached out to Eagle</p> <p>14 Towncar and then was able to assist with the other stops?</p> <p>15 A Multiple hotels recommended Eagle Towncar</p> <p>16 Service, three of which are W, the Westin, the Hyatt --</p> <p>17 I'm sorry -- Seattle Marriott, Bellevue. Yes.</p> <p>18 Q Okay. Thank you.</p> <p>19 A Yes.</p> <p>20 ATTORNEY SO: I don't believe I have any</p> <p>21 further questions for you, Mrs. Adams. Thank you so much</p> <p>22 for your time.</p> <p>23 JUDGE HUGHES: Thank you, counselor.</p> <p>24 Staff?</p> <p>25 ATTORNEY JONES: Thank you, your Honor. Staff</p>	<p>DIRECT EXAMINATION OF LANGRIDGE BY HOWARD</p> <p>1 MEREDITH LANGRIDGE, Witness herein, having been</p> <p>2 first duly sworn on oath, was</p> <p>3 examined and testified as</p> <p>4 follows:</p> <p>5</p> <p>6 DIRECT EXAMINATION</p> <p>7 BY ATTORNEY HOWARD:</p> <p>8 Q Good afternoon, Ms. Langridge. Am I saying</p> <p>9 your last name correctly?</p> <p>10 A Yeah. Hello, Mr. Howard.</p> <p>11 Q Thank you.</p> <p>12 Could you tell us your name and your position</p> <p>13 for the record and spell your last name?</p> <p>14 A Sure. My name is Meredith Langridge, and I'm</p> <p>15 the director of visitor experience for Visit Bellevue.</p> <p>16 Q Thank you. And is Langridge L-A-N-G-R-I-D-G-E?</p> <p>17 A Correct.</p> <p>18 Q All right. Thank you.</p> <p>19 Could you briefly tell us about your -- what</p> <p>20 your responsibilities for Visit Bellevue look like?</p> <p>21 A Absolutely, yeah. So as the director of</p> <p>22 visitor experience, we want to work with our 2.2 million</p> <p>23 overnight visitors to make sure that they have a</p> <p>24 welcoming and good experience when they come to Bellevue,</p> <p>25 Washington.</p>
<p>1 has no questions for Ms. Adams.</p> <p>2 JUDGE HUGHES: Thank you, counselor.</p> <p>3 Any redirect, Mr. Howard?</p> <p>4 ATTORNEY HOWARD: No, no redirect from Eagle</p> <p>5 Towncar. Thank you.</p> <p>6 JUDGE HUGHES: Very good.</p> <p>7 Thank you for your time, Ms. Adams. You are</p> <p>8 excused.</p> <p>9 Feel free to stay, but we will be moving on to</p> <p>10 our fourth witness, after which we will either break for</p> <p>11 lunch or make the decision to power through. So really</p> <p>12 evaluate your stomachs at this point, and we'll get back</p> <p>13 to in a few.</p> <p>14 With that said, your camera is on. Please take</p> <p>15 yourself off of mute and raise your right hand.</p> <p>16 Do you swear under penalty of perjury that the</p> <p>17 testimony you offer is the truth, the whole truth and</p> <p>18 nothing but the truth?</p> <p>19 THE WITNESS: Yes.</p> <p>20 JUDGE HUGHES: Very good. Please proceed,</p> <p>21 counselor.</p> <p>22 ATTORNEY HOWARD: Thank you.</p> <p>23</p> <p>24</p> <p>25</p>	<p>DIRECT EXAMINATION OF LANGRIDGE BY HOWARD</p> <p>1 So that means I work on a CTA program, which is</p> <p>2 a Certified Tourism Ambassador program, which I know we</p> <p>3 talked about earlier, where we talk about how to welcome</p> <p>4 guests, we talk about destination knowledge, we do peer</p> <p>5 to peer stuff, right; networking so that people in the</p> <p>6 industry know what knowledge is out there.</p> <p>7 I also work on a number of different tourism</p> <p>8 development programs. So the Bellevue Airport Shuttle</p> <p>9 falls under that. And so we were able to provide limited</p> <p>10 funding to Eagle Towncar because there was a need in the</p> <p>11 community to provide more affordable transportation to</p> <p>12 and from the airport from our Bellevue locations. It was</p> <p>13 not happening before. Yes, you could get any type of</p> <p>14 transportation, but you could not get affordable</p> <p>15 transportation that was on an ongoing route and</p> <p>16 scheduled.</p> <p>17 And this was something that we heard a numerous</p> <p>18 amount of time from our visitors and customers coming</p> <p>19 into town, and also our residents, which it also serves</p> <p>20 in workforce.</p> <p>21 Q Thank you.</p> <p>22 And you mentioned Eagle Towncar. Can you tell</p> <p>23 us how you're familiar with that company?</p> <p>24 A Yeah. So just like Megan, I started about two</p> <p>25 years ago with Visit Bellevue.</p>

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1 And I would say from the beginning, really
2 working with the team, I became aware of Eagle Towncar
3 service primarily because our sales team works with Eagle
4 a lot for, again, providing transportation to groups
5 coming into town, also fams that they do with media. And
6 we want to make sure that our clientele are receiving --
7 have a top notch experience, right? And they have always
8 had a good experience with them.

9 And so Eagle Towncar has been rolled into those
10 conversations many times just because we have those
11 ongoing needs at Visit Bellevue.

12 Q Thank you.

13 And what has your experience working with
14 Mr. Selewondim been like?

15 A Yeah. Mr. Selewondim is an absolute treasure
16 to work with. He has excellent manners. He has
17 excellent customer service. You know, anytime we have
18 used him for one of our clients or guests, we receive
19 great feedback.

20 And so we were intrigued with working in him
21 [sic] because we have heard from our clients many times
22 about really wanting affordable transportation.

23 And so, you know, we thought of him when we
24 started to build out what would a program be look like
25 that we could be involved in to evolve -- you know, to

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1 restaurants where they can have private meetings, we
2 hear, is there any affordable transportation?

3 And so this was really a need for our clients.
4 And so we started to say, hey, let's dig into to that. So
5 we started to do our research, right?

6 So you can get door-to-door services. They are
7 more expensive and they're-- and they're great. They're
8 more expensive.

9 You can also get, you know, an Uber and Lyft,
10 you know, on-demand type service, which is usually \$75
11 and up, depending on what time of day it is. That's
12 extremely expensive.

13 Some of our clients have those fees covered;
14 some of them don't.

15 Some of them are here for leisure, right?

16 And then we also have our residential market.

17 So that is expensive. So we wanted to see if we
18 could do better with -- better, better with those
19 numbers, which is when we reached out to Mintay to say,
20 Hey, let's start this conversation. What can you do?
21 What would it look like?

22 And then he worked with us to say, Let me dig
23 into this. Let's see what we can do.

24 There is a risk associated with businesses when
25 they try to do these programs. And so what Visit Bellevue

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1 kind of fit in our tourism development realm.

2 Q Thank you.

3 And we have been talking about the, the route,
4 the scheduled service route through downtown Bellevue to
5 SeaTac today.

6 Are you familiar with that scheduled route?

7 A I am, yes.

8 Q Thank you. Sometimes lawyers ask very obvious
9 questions.

10 Do you believe there is a need for the
11 scheduled service?

12 A I do believe that there is a need for the
13 scheduled service.

14 Before we started working with Mintay -- so he
15 is offering to and from the airport \$30 fixed rate,
16 right, not including tax.

17 And before that, a lot of our convention
18 attendees would always ask -- because we work not only
19 just after there is a sale made to the client and they're
20 going to book hotel rooms at our hotels in Bellevue. We
21 work with them all the way through to offer our services.
22 So we hear what those event managers and clients really
23 want.

24 And one of the things, you know, in addition to
25 maybe offsite event venues or recommendations on

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1 does is offer a series of pilot programs to not just
2 transportation, but also, let's say, tour operators,
3 right? That's a huge need, is to have tours once people
4 come and visit the area. These businesses are usually
5 small, family-owned businesses. And so we say, hey, can
6 we lessen that risk for you by providing some support so
7 that you can come and bring this service to our area?

8 So this is what we did with Mintay and Helen,
9 is say, hey, you know, we know this is risky for you to
10 take on these additional operational and staff expenses.
11 What can we do, right, to lower that barrier for you?

12 So that's what we've done. We have a
13 memorandum of understanding with them saying we can
14 provide, you know, a certain amount of dollars to help
15 get you started so that we can react to this need, right,
16 in our community.

17 So right now we have about a little over 2
18 million overnight visitors coming to Bellevue every year.
19 About 50 percent of them, we know originate from SEA --
20 from SEA, I guess. Sorry. I struggle not to say SeaTac
21 still -- and then are staying overnight in our hotels.
22 And so the demand is here. We are growing. We are -- we
23 want to continue to grow.

24 And so, yeah, we decided to work with Mintay
25 because we have had such a great experience with him, and

<p>DIRECT EXAMINATION OF LANGRIDGE BY HOWARD</p> <p>1 because our hoteliers have as well.</p> <p>2 And so when we decided to dig into this</p> <p>3 process, we also, Megan, met with each of our partners to</p> <p>4 say, What do you guys think about this? Do you need</p> <p>5 this, right? Are we spot on with this? Are we missing</p> <p>6 something? So we did the legwork in that way.</p> <p>7 And then we decided, let's move forward and do</p> <p>8 a pilot period. Our first pilot period extended to the</p> <p>9 end of 2024. And now we're in our second phase of</p> <p>10 providing funding in 2025.</p> <p>11 Q Thank you. And you mentioned, I believe it was</p> <p>12 tours or small family businesses offering tours as</p> <p>13 another example. Could you tell us more about the other</p> <p>14 types of businesses that Visit Bellevue might partially</p> <p>15 sponsor?</p> <p>16 Can you tell us about that?</p> <p>17 A Sure. Yeah, absolutely. So, you know, again,</p> <p>18 we're trying to fit a need for our visitors, right?</p> <p>19 One of the number one things we hear from our</p> <p>20 hotels, other than having affordable transportation</p> <p>21 options, is having tours. When I come to town, what am I</p> <p>22 going to do, right?</p> <p>23 So we work with Bellevue Lake Cruises, which is</p> <p>24 a pilot that we started in 2024.</p> <p>25 And then we also worked with Savor Cities to</p>	<p>DIRECT EXAMINATION OF LANGRIDGE BY HOWARD</p> <p>1 an ongoing basis to say, hey, where are you at with</p> <p>2 sales? You know, is there marketing support that --</p> <p>3 through what we can provide as a DMO that we can do to</p> <p>4 help support you?</p> <p>5 Q Thank you.</p> <p>6 I'd like to talk about the term "Bellevue</p> <p>7 Airport Shuttle" just briefly. And again, I'll try to</p> <p>8 keep this brief.</p> <p>9 Have you seen PNTS use this term recently?</p> <p>10 A We only saw that pop up after we launched</p> <p>11 Bellevue Airport Shuttles.</p> <p>12 Q Okay. Do you have any concerns with PNTS's use</p> <p>13 of this term?</p> <p>14 ATTORNEY SO: Objection, your Honor.</p> <p>15 Relevance.</p> <p>16 JUDGE HUGHES: Overruled.</p> <p>17 Q (By Attorney Howard) You may answer the</p> <p>18 question.</p> <p>19 A Okay. Sorry. I'm new to all this.</p> <p>20 Yes, I think it's -- I think it's unfair</p> <p>21 practice, when somebody launches a business under a</p> <p>22 certain name, to then use that same name and try to offer</p> <p>23 the same services. Yeah.</p> <p>24 I mean, we're in a launch period. You know,</p> <p>25 we're about four months in. So this is really new, and</p>
<p>DIRECT EXAMINATION OF LANGRIDGE BY HOWARD</p> <p>1 start Bites of Bellevue food tours.</p> <p>2 And so, in the same kind of vein, you know, we</p> <p>3 did our research about what we were looking for, and then</p> <p>4 we said, Hey, we'd like to do a pilot program with you</p> <p>5 all, offer you some funding -- because it's not a large</p> <p>6 margin in these businesses -- to encourage them to do</p> <p>7 business in our area.</p> <p>8 So with Bellevue Lake Cruises, we offered them</p> <p>9 some funding. And then they provided lake cruises that</p> <p>10 were tours of Lake Washington, basically, because that</p> <p>11 wasn't something that was able to happen before. And so</p> <p>12 we also worked with them and the City to say, hey, can we</p> <p>13 get the moorage here, right? And can we offer you some</p> <p>14 funding for your operational and staffing costs to that</p> <p>15 small family business so that you can start doing these</p> <p>16 tours? We know it's risky.</p> <p>17 We also did that with Saber Cities to do Bites</p> <p>18 of Bellevue. So they right now have -- throughout the</p> <p>19 week offer two-and-a-half-hour food tours, where we work</p> <p>20 with all local restaurants and businesses, at 2:00 p.m.</p> <p>21 It's two and a half hours. And basically, they'll talk</p> <p>22 to you about our area businesses. You get to do</p> <p>23 tastings. We also offered them a small amount of funding</p> <p>24 as well.</p> <p>25 And then we work with all of these operators on</p>	<p>CROSS-EXAMINATION OF LANGRIDGE BY SO</p> <p>1 this is something we're really trying to shepherd because</p> <p>2 we want to -- you know, we want this to build and last.</p> <p>3 ATTORNEY HOWARD: Thank you. No further</p> <p>4 questions at this time.</p> <p>5 THE WITNESS: Thank you.</p> <p>6 JUDGE HUGHES: PNTS?</p> <p>7 ATTORNEY SO: Thank you, your Honor.</p> <p>8</p> <p>9 CROSS-EXAMINATION</p> <p>10 BY ATTORNEY SO:</p> <p>11 Q Hi, Mrs. Langridge. Let me know if I did not</p> <p>12 pronounce your last name right.</p> <p>13 A You got it perfect. Hi, Ms. So.</p> <p>14 Q Oh, thank you.</p> <p>15 Can you tell me what type of organization is</p> <p>16 Visit Bellevue?</p> <p>17 A Yeah. Visit Bellevue is a destination</p> <p>18 management organization.</p> <p>19 Q Okay. And how is this organization funded?</p> <p>20 A So we are funded through the TOT tax and also</p> <p>21 the TPA tax.</p> <p>22 Q Can you explain those taxes for me again, or</p> <p>23 what they stand for?</p> <p>24 A Sure. Tourism Promotion Area is the TPA tax.</p> <p>25 So we have a TPA, which is combined with Bellevue and</p>

CROSS-EXAMINATION OF LANGRIDGE BY SO

1 Redmond, to receive funding.

2 And then we also have a TOT tax, which I'm
3 going to get this wrong, you guys, but it's basically a
4 certain amount of dollars are tacked on to when our
5 visitors stay at our hotels. And then we receive that,
6 that funding, so that we can basically use that funding
7 we receive to promote overnight visitors to come and
8 visit Bellevue as a destination.

9 Q So just to clarify, some of the TOT is from
10 overnight guests staying at the Bellevue hotels?

11 A Correct.

12 Q Okay. Thank you.

13 And so you had mentioned that Visit Bellevue is
14 partnering with Eagle Towncar and trying to promote their
15 business because it can be risky for a family, a small
16 family-run business. Can you tell me how much funding
17 you've got -- Visit Bellevue has provided to Eagle
18 Towncar?

19 A Yes, I can. So in 2024, we provided a little
20 over 32,000.

21 And then in 2025, we have, to this point,
22 provided 20,000.

23 Q And do you know what that funding was used for?

24 A Yes. Basically, it is we -- it is used
25 basically to build their business, right? So they can

CROSS-EXAMINATION OF LANGRIDGE BY SO

1 And this is part of visitor experience, the experience
2 you have when you come to town, right?

3 And so if this is still a need, it is something
4 we will consider to continue to fund.

5 And if it is not a need, then we will consider
6 not funding it.

7 Q Thank you. Could you tell me a little bit,
8 then, if, say, at the end of 2025, and you have to
9 evaluate whether the funding will still be needed, what
10 goes into that process of evaluating?

11 A Sure. Well, we will look at -- we'll look at
12 what sales were like.

13 We'll look at what kind of reviews it's
14 getting. We will look at what our hotel partners are
15 saying, right? If we're getting really bad feedback, you
16 know, that could be something we don't want to move
17 forward with, because, again, it's all about the
18 experience that the customer is having, right?

19 If, you know, if this business wasn't able to
20 sustain itself, that's something we want to look at. If
21 ticket sales are -- you know, if Mintay is filling 14
22 seats for every ride, that would be a position where he
23 wouldn't need our funding to do this business, right?

24 But right now, he's nowhere near capacity, so
25 we really need to be with him during this growing phase.

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1 use it on operations and staffing. They can use it on
2 marketing.

3 Q And do you know if this has any effect to the
4 rate they're able to provide?

5 A Well, we believe that it does because
6 basically, we want the affordable -- we want the
7 affordable prices. And so we are hoping that by us being
8 able to cover some of these expensive expenses, they can
9 offer a more affordable rate.

10 Q Do you know if this funding will continue,
11 then, down the road?

12 A You know, we will continue it till the end of
13 2025.

14 And then, basically, we'll have an evaluation
15 period to see if it's something that we need or can
16 continue to do.

17 So our -- so, right now we are funding through
18 the end of 2025. We'll evaluate that and decide, is this
19 still what our hotels need, right?

20 As people have previously mentioned, the Link
21 is coming to Bellevue, right? And that is going to be
22 able to service the airport.

23 So we're going to look very carefully at it. We
24 have to be very careful with how we spend these dollars.
25 In the end, it's all about driving overnight visitors.

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1 So it really depends on sales and feedback.

2 Q Thank you.

3 Sorry. I'm just taking some notes here.

4 Do you know what Visit Bellevue's involvement
5 was, then, with creating the Bellevue Airport Shuttle?

6 A I do.

7 Q Can you tell me about that?

8 A Sure. Yeah. We had a need, right, from our
9 hotels and from our visitors and for our clients to have
10 affordable shuttle service.

11 And so we reached out to our hoteliers to say,
12 you know, let's verify. Do we need this, guys? Is this
13 a program we want?

14 You know, absolutely. Everybody was supporting
15 it.

16 You know, we asked, who are your preferred
17 vendors? We -- again and again, as Ms. Adams said, was
18 Eagle Towncar.

19 And so because we have this prior relationship
20 with Mintay and his family also, we said, Let's have a
21 meeting. And then we had a number of meetings to say,
22 what does this look like? What are our needs? You know,
23 what -- what does timing look like, right? What does
24 cost look like?

25 And we really helped Mintay work through what

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1 some of those -- what all of those answers and questions
2 would be, right, because we want to come up with a
3 product that's sustainable for him and a product that's
4 sustainable for us.
5 Again, we want to help row, and we want him to
6 continue to do business in this area, and we want to
7 drive that overnight business. So -- of our visitors,
8 that is. I have the cough, too.
9 And so, yeah, so we worked through him, just
10 like we do with anybody we have a memorandum of
11 understanding with, right?
12 So with our tour operators, the same thing.
13 You know, what is -- what is the need? What are you
14 going to be pricing visitors? Is this something that our
15 hotels need and want? Is this something we've heard
16 that, you know, our visitors want, right?
17 We work with all those things because, again,
18 we only use that funding if it's a need, right, and if
19 it's a need by our hotel and visitors, because that's how
20 we drive business. So we worked through him with all of
21 those conversations.
22 And then he really took it away as far as
23 making what are the final decisions. You know, is this
24 something my family can do? Am I able to offer these
25 services and take on this risk, right? So a lot of open

CROSS-EXAMINATION OF LANGRIDGE BY SO

1 out, you know, the service.
2 Q And I don't know if you were on earlier. Did
3 you see -- which exhibit -- Exhibit PNTS-10?
4 A If that was the link that was put in the chat,
5 I tried to click on it and I couldn't open it.
6 Q I think another link has been provided, but it
7 was -- it's not --
8 A I can look. Okay. I'm looking in the chat
9 now.
10 Q Yeah.
11 A Is it the last link you want me to look at?
12 JUDGE HUGHES: I think that's the link. But
13 it's going to be to a PDF, so you'll have to click, and
14 it'll go in your downloads folder or depending on how you
15 set it up.
16 THE WITNESS: Okay. I'm seeing a lot of PDFs.
17 Which one?
18 Q (By Attorney So) Let me see which. So you
19 clicked on the last link?
20 A I clicked on the last link.
21 Q Okay.
22 A Do you want me to click on the one before?
23 JUDGE HUGHES: Sorry. I have now sent a direct
24 link. I was in direct messages mistakenly. My bad.
25 THE WITNESS: Okay. Bear with me here. I'm

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1 dialogue.
2 Q Okay. And before this occurred, did Visit
3 Bellevue ever put out a request, a request for a proposal
4 so that other, perhaps, shuttle companies could get
5 involved and, you know, let Visit Bellevue know about
6 their companies?
7 A You know, we didn't.
8 So that's not standard practice for us to do.
9 As a DMO, we're not required to do that; whereas
10 something like the City of Bellevue would be required to
11 do RFPs, we are not. We have a very tiny team. We work
12 very fastly so that we can provide these services.
13 And so, no, we did not put out an RFP.
14 Q And so just I wanted to get on the record, when
15 was it, then, was this whole engagement process with
16 Eagle Towncar taking place?
17 A Oh, my gosh. It happened very quickly. So I
18 guess mid-2024. Mintay launched in December.
19 And I would say, you know, we worked with him
20 for four to five months prior of conversations to see,
21 you know, here's what we want, right? Let's test this
22 out with our hotels and see if this is something they
23 want. You know, let's talk with Mintay and see if this
24 is something he's willing to do.
25 And then a series of conversations to build

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1 tech challenged. Okay. It's having me save it. Hold
2 on.
3 Pardon me. Let me open that.
4 Q (By Attorney So) Yeah, I mean either one is
5 fine. It's PNTS-10.
6 A Yes, I am just looking at -- oh, I just opened
7 up something now. Pardon me. Let me maximize it.
8 Okay, I do. And it says a scanned document with
9 a listing of some things.
10 Q Yeah. Are you aware that this is PNTS, also
11 doing business as Premier Airport Shuttles', webpage
12 administration?
13 ATTORNEY HOWARD: Your Honor, I would like to
14 object to the "also doing business as" because that just
15 invokes a DBA at the commission. In our language, that
16 suggests they already have that DBA. You know, I'm
17 concerned that's a misleading way to phrase that.
18 JUDGE HUGHES: Yeah, I agree. So I'm going to
19 sustain that objection.
20 Can you rephrase that?
21 DBA is a term of art within the commission.
22 ATTORNEY SO: Okay, your Honor. I will
23 rephrase.
24 Q (By Attorney So) This is Pacific Northwest
25 Transportation Services' webpage administration, a

<p>CROSS-EXAMINATION OF LANGRIDGE BY SO</p> <p>1 screenshot of this, showing that they were in fact</p> <p>2 advertising the Bellevue Airport Shuttle since April of</p> <p>3 -- April 27, 2021.</p> <p>4 And we provided the link -- or not link; sorry</p> <p>5 -- the screenshot to their webpage showing that.</p> <p>6 ATTORNEY HOWARD: Objection. Compound.</p> <p>7 JUDGE HUGHES: Sustained. Ask the question.</p> <p>8 We've established what it is.</p> <p>9 The specific objection, I believe was to the</p> <p>10 use of the phrase DBA, so if you could use a synonym or</p> <p>11 something else that isn't a term of art. Ask the witness</p> <p>12 your question, please.</p> <p>13 Q (By Attorney So) Have you ever visited or</p> <p>14 Googled "Bellevue Airport Shuttle"?</p> <p>15 A Yes, we did Google Bellevue Airport Shuttle.</p> <p>16 And it did not come up.</p> <p>17 Q Okay. And when did that occur?</p> <p>18 A Oh, my God. I would say sometime in the months</p> <p>19 prior to December. So I would say probably October 2024.</p> <p>20 If I had to guess.</p> <p>21 Q October 2024. Okay.</p> <p>22 A You know, that's a guess. Maybe. Maybe</p> <p>23 September 2024. Not quite sure. I'm sorry.</p> <p>24 ATTORNEY SO: Okay. Let me check to see if I</p> <p>25 have any further questions, your Honor.</p>	<p>CROSS-EXAMINATION OF LANGRIDGE BY SO</p> <p>1 a brief lunch break. Thank you.</p> <p>2 JUDGE HUGHES: Very good. PNTS?</p> <p>3 ATTORNEY SO: Same, your Honor.</p> <p>4 JUDGE HUGHES: Okay. And Eagle Towncar?</p> <p>5 ATTORNEY HOWARD: Likewise, your Honor.</p> <p>6 And I'll try to keep my questions this</p> <p>7 afternoon streamlined.</p> <p>8 JUDGE HUGHES: Very good. Okay, so we are going</p> <p>9 to go on recess until, let's say, 2:00. So we'll have 65</p> <p>10 minutes to eat our food.</p> <p>11 When we return, PNTS will be putting on its</p> <p>12 case. You'll have an opportunity for a brief opening</p> <p>13 statement. And I've been relatively open about letting</p> <p>14 things in. So we will proceed with your case. You will</p> <p>15 have a chance to say something, and then your witness --</p> <p>16 there will be an opportunity to cross-examine.</p> <p>17 And then I believe we'll do a round of closing</p> <p>18 arguments.</p> <p>19 And I think, you know, knock on wood, we can</p> <p>20 get out of here by 4:30. Does that sound good to</p> <p>21 everybody?</p> <p>22 Hearing no objections, we're going to go off</p> <p>23 the record. I will see you all at 2:00.</p> <p>24 (Recess)</p> <p>25</p>
<p>CROSS-EXAMINATION OF LANGRIDGE BY SO</p> <p>1 No further questions, your Honor.</p> <p>2 JUDGE HUGHES: Okay. Thank you.</p> <p>3 Staff?</p> <p>4 ATTORNEY JONES: Staff has no questions from</p> <p>5 Ms. Langridge. Thank you.</p> <p>6 JUDGE HUGHES: Very good.</p> <p>7 Any redirect?</p> <p>8 ATTORNEY HOWARD: No. No redirect, your Honor.</p> <p>9 JUDGE HUGHES: Very good. I don't have any</p> <p>10 questions, so you are excused, Ms. Langridge. Thank you.</p> <p>11 THE WITNESS: Thank you.</p> <p>12 JUDGE HUGHES: I believe that that's the end of</p> <p>13 Eagle Towncar's case?</p> <p>14 ATTORNEY HOWARD: That is correct, your Honor.</p> <p>15 We do have our last six cross exhibits that I</p> <p>16 do plan to move into evidence. But that is the end of</p> <p>17 our affirmative case.</p> <p>18 JUDGE HUGHES: Very good. Part of me wanted to</p> <p>19 power through, but given all of the objections on</p> <p>20 evidence are forthcoming, I think that might be overly</p> <p>21 ambitious to try to power through and skipping lunch.</p> <p>22 But I would like to hear from the parties on</p> <p>23 this. So starting with staff?</p> <p>24 ATTORNEY JONES: Your Honor, I agree with what</p> <p>25 you've said regarding time. Staff would request at least</p>	<p>OPENING STATEMENT BY APPLICANT</p> <p>1 JUDGE HUGHES: Okay. It is 2:01. We are back</p> <p>2 on the record. This is TC-240898 and TC-240856.</p> <p>3 This morning, we heard from staff and Eagle</p> <p>4 Towncar.</p> <p>5 This afternoon, we have PNTS and their witness.</p> <p>6 I remind the parties that we still have the</p> <p>7 matter of a few of the exhibits noted this morning to get</p> <p>8 through. And hopefully we can march through that nice and</p> <p>9 efficiently.</p> <p>10 But like I said, we will begin with PNTS will</p> <p>11 have an opportunity to make an opening statement prior to</p> <p>12 swearing the witness.</p> <p>13 ATTORNEY SO: Thank you, your Honor. I'll just</p> <p>14 keep this really brief.</p> <p>15</p> <p>OPENING STATEMENT BY APPLICANT</p> <p>16 ATTORNEY SO: We plan on presenting evidence</p> <p>17 showing how PNTS's proposed scheduled service is not the</p> <p>18 same service as Eagle Towncar's; that there is a public</p> <p>19 need for the additional transportation services in the</p> <p>20 applied-for areas in Bellevue, Redmond, and Kirkland, as</p> <p>21 evidenced by our supporting statements. And evidence in</p> <p>22 the record will show and support the granting of PNTS's</p> <p>23 application.</p> <p>24</p> <p>25 JUDGE HUGHES: Very good. You're ready for</p>

<p>OPENING STATEMENT BY APPLICANT</p> <p>1 your first witness, then?</p> <p>2 ATTORNEY SO: Yes, your Honor. Did you want to</p> <p>3 do the exhibits, or just...?</p> <p>4 JUDGE HUGHES: Oh, that is fair. Let's save</p> <p>5 the cross exhibits for cross. But yeah, let's get to --</p> <p>6 check my notes here.</p> <p>7 I believe 13 and 15 are still at issue.</p> <p>8 Eagle Towncar, you're not objecting to</p> <p>9 foundation, right?</p> <p>10 You're -- the objection is to something else?</p> <p>11 ATTORNEY HOWARD: Yes, your Honor, Our</p> <p>12 objection to PNTS-13 is primarily one of relevance.</p> <p>13 You know, I think that traveler data or</p> <p>14 population data, it may be relied on to some extent. I</p> <p>15 think as the witnesses have noted, though, there's always</p> <p>16 a question of people using other transportation methods.</p> <p>17 So it makes it of limited relevance already.</p> <p>18 But this particular exhibit, PNTS-13, is a news</p> <p>19 article about Bellevue's comprehensive plan update, which</p> <p>20 is a 20-year projection in the context of land use</p> <p>21 planning.</p> <p>22 So just on its face -- and assuming we're</p> <p>23 talking about the comprehensive plan and not the news</p> <p>24 article having a secondhand report of it, the fact that</p> <p>25 Bellevue might grow in size over the next 20 years, let</p>	<p>OPENING STATEMENT BY APPLICANT</p> <p>1 But your Honor has ruled on this. I don't</p> <p>2 think it needs to be an exhibit. But if it's -- if it is</p> <p>3 submitted, your Honor has already ruled on it. So we no</p> <p>4 longer have any objection, as long as it's not used to</p> <p>5 cross our witnesses on legal questions.</p> <p>6 JUDGE HUGHES: PNTS?</p> <p>7 ATTORNEY SO: Yes, it's not going to be used</p> <p>8 for that.</p> <p>9 JUDGE HUGHES: Okay, so we will admit -- I</p> <p>10 mean, I do question -- you are allowed to cite to my</p> <p>11 rulings without having to enter it in evidence.</p> <p>12 But I don't see really any harm here. So let's</p> <p>13 -- we will enter PNTS-15, will overrule that objection,</p> <p>14 and that is submitted into evidence, those two.</p> <p>15 (Exhibit PNTS-15 admitted)</p> <p>16 JUDGE HUGHES: And we will return to the</p> <p>17 question of the cross exhibits when we get there.</p> <p>18 So, yeah. I believe the first witness is</p> <p>19 Mr. Fricke. Am I saying that correctly?</p> <p>20 ATTORNEY SO: I believe it's Mr. Fricke.</p> <p>21 JUDGE HUGHES: Fricke, right?</p> <p>22 ATTORNEY SO: John.</p> <p>23 JUDGE HUGHES: My German training. Okay.</p> <p>24 Fricke.</p> <p>25 Please -- you're unmuted. I see you on camera.</p>
<p>OPENING STATEMENT BY APPLICANT</p> <p>1 alone when there's light rail coming next year, doesn't</p> <p>2 establish that it makes sense to overlap routes starting</p> <p>3 now.</p> <p>4 JUDGE HUGHES: Okay, let me pull up -- too many</p> <p>5 screens. Sorry. Where are you opening up to?</p> <p>6 I see. Okay. Ms. So?</p> <p>7 ATTORNEY SO: So your Honor, it's just also to</p> <p>8 -- we're providing it to support and show that there is</p> <p>9 an increase in population in Bellevue, and then,</p> <p>10 therefore, there's a need for additional transportation</p> <p>11 services.</p> <p>12 JUDGE HUGHES: Okay. I'm going to admit</p> <p>13 PNTS-13.</p> <p>14 (Exhibit PNTS-13 admitted)</p> <p>15 JUDGE HUGHES: I hear Eagle Towncar's</p> <p>16 objections towards relevancy, but that will go towards</p> <p>17 the weight I assign to this. But it will be entered into</p> <p>18 the record as PNTS-13.</p> <p>19 PNTS-15, let's start with Eagle Towncar's</p> <p>20 objection.</p> <p>21 ATTORNEY HOWARD: Your Honor, our objection was</p> <p>22 to PNTS-13, because this is the motion to strike. Our</p> <p>23 objection was essentially not -- we weren't sure how this</p> <p>24 was going to be used, and if this was going to be used to</p> <p>25 pose legal questions to witnesses.</p>	<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 Please raise your right hand.</p> <p>2 Do you swear under penalty of perjury that the</p> <p>3 testimony you offer is the truth, the whole truth, and</p> <p>4 nothing but the truth?</p> <p>5 THE WITNESS: Yes, I do, your Honor.</p> <p>6 JUDGE HUGHES: Very good. Thank you.</p> <p>7 Please proceed.</p> <p>8 ATTORNEY SO: Thank you, your Honor.</p> <p>9</p> <p>10 JOHN FRICKE, witness herein, having been first duly</p> <p>11 sworn on oath, was examined and</p> <p>12 testified as follows:</p> <p>13</p> <p>14 DIRECT EXAMINATION</p> <p>15 BY ATTORNEY SO:</p> <p>16 Q Can you please provide your name?</p> <p>17 A My name is John Fricke.</p> <p>18 Q Can you please spell your last name?</p> <p>19 A That's F, like Frank, R-I-C-K-E.</p> <p>20 Q Thank you.</p> <p>21 And can you provide your business's name and</p> <p>22 address for the record?</p> <p>23 A Yes. Our company, Pacific Northwest</p> <p>24 Transportation Services Incorporated, DBA Premier Airport</p> <p>25 Shuttle by Capital Aeroporter, referred to in this</p>

<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 proceeding as PNTS, has current business headquarters 2 address at 1342 88th Avenue SE, Tumwater, Washington, 3 98501.</p> <p>4 We also operate our airport customer check-in 5 kiosk and waiting area at the ground transportation plaza 6 on the third floor of SeaTac, SEA Airport, at 17801 7 International Boulevard, SeaTac, Washington, 98158.</p> <p>8 Q Thank you.</p> <p>9 And can you please tell us your position with 10 the company and how long you've worked for the company?</p> <p>11 A Yes. My current position is vice president of 12 operations.</p> <p>13 I began working as a second generation for our 14 locally owned and operated family business more than 30 15 years ago as a van washer.</p> <p>16 Throughout the years, I worked various 17 positions within the company, learning all aspects of our 18 business. I have held the positions of customer service 19 representative, driver, dispatcher, airport coordinator, 20 supervisor, and general manager. I have held my current 21 position since the year 2005 as vice president of 22 operations.</p> <p>23 Q Sorry, did you say 2005?</p> <p>24 A Yes, 2005. Yeah, for the past 20 years.</p> <p>25 Q Okay, great. Thank you.</p>	<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 In 1973, they began operating the company from 2 the basement of their home in downtown Olympia with just 3 two employees, Shirley and Jim. Shirley answered the 4 phones, and Jim drove one airport shuttle vehicle between 5 Olympia and the Seattle-Tacoma International Airport.</p> <p>6 We've been in business and operating for 7 52-plus years providing first-rate airport shuttle 8 service at Seattle-Tacoma International, SEA Airport, and 9 as well as charter services throughout the state of 10 Washington.</p> <p>11 Our company has a very long history of 12 providing services that are convenient, safe, timely, 13 direct, frequent, and expeditious for our customers.</p> <p>14 Our company has endured many economic 15 challenges, including the Gulf wars, world conflicts, 16 911, American recessions, and most recently the COVID 17 pandemic. We have outlasted numerous other auto 18 transportation companies that now cease to exist.</p> <p>19 A little bit more information about our company 20 is that we operate 24 auto transportation shuttle vans 21 and cover over 1.75 million miles annually in the state 22 of Washington. Our combined annual gross income between 23 auto transportation and charter excursion service in 2023 24 exceeded \$4.8 million.</p> <p>25 Our main focus is to offer and provide</p>
<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 And can you tell me about your current job 2 responsibilities?</p> <p>3 A Yep. So my current job basically entails 4 pretty much everything the company does to oversee. I 5 oversee the general operations of PNTS, including that 6 Premier Airport Shuttle, ensuring smooth company safety, 7 employee and customer service performance, including 8 comprehensive company and team management involving 9 employees, drivers, customers, clientele, vendors, our 10 vehicles, government agencies, and regulators, and the 11 overall operations.</p> <p>12 I'm also responsible for managing our 13 marketing, our public relations, finances, and the 14 operational wellbeing of the company; specifically in 15 charge of seeking out new ways that our company can work 16 to expand and improve the services we provide to our 17 customers and the traveling public.</p> <p>18 Q Thank you.</p> <p>19 And can you provide me just some quick 20 background information about the company?</p> <p>21 A Yes. It was created back in 1972, actually, as 22 a female-owned auto transportation and charter company in 23 Washington State, which was very rare for its time, more 24 than 53 years ago, by my parents, Shirley and James 25 Fricke.</p>	<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 friendly, courteous service with respect and 2 professionalism on a daily basis. The frequency and 3 directness of our service are balanced with our fares to 4 maximize customer service expectations delivered by our 5 professional driving staff.</p> <p>6 Our leadership team continues to successfully 7 grow our company, and has done so into the year 2025, and 8 we plan to beyond.</p> <p>9 We are all very familiar with the statutes and 10 rules, from WAC 480-30, RCW 81.68 and 81.70 respectively 11 that govern our operations.</p> <p>12 Between my parents and myself, with a combined 13 experience of over 130 years in the industry, we continue 14 to seek how we can expand the services we offer to the 15 traveling public and improve them for the public.</p> <p>16 Our company is allowed to operate under the 17 following WUTC authorized trade names: Airport Shuttle, 18 Premier Airport Shuttle, Airport Shuttle SeaTac and 19 Capital Aeroporter. We have additionally included more 20 trade names on our application for extension of authority 21 listed on the proposed tariff and attachment.</p> <p>22 Q Thank you.</p> <p>23 And can you tell me -- tell us about the 24 current WUTC auto transportation authority under your 25 current certificate C 862.</p>

<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 A Pacific Northwest Transportation Services, or</p> <p>2 PNTS, operates under the WUTC authorized Auto</p> <p>3 Transportation Certificate C000862 providing auto</p> <p>4 transportation airport shuttle passenger services between</p> <p>5 the Seattle-Tacoma International Airport in the territory</p> <p>6 including JBLM and the following counties: Mason, Lewis,</p> <p>7 Grays Harbor, Thurston, Pierce, King, Kitsap, and</p> <p>8 Snohomish Counties with the exception of Vashon and</p> <p>9 Bainbridge Islands.</p> <p>10 We provide door-to-door services and scheduled</p> <p>11 services between the SEA Airport, downtown Seattle, and</p> <p>12 the Seattle waterfront piers.</p> <p>13 And the company also operates charter services</p> <p>14 under charter certificate CH000058.</p> <p>15 And also, we operate with our required and</p> <p>16 approved US DOT number of 1967348.</p> <p>17 Q And specifically speaking to this extension for</p> <p>18 application, can you tell us what prompted PNTS to file</p> <p>19 for extension of authority to operate in Bellevue,</p> <p>20 Redmond, and Kirkland?</p> <p>21 A Yeah. So, since the most recent expansion and</p> <p>22 extension of our shared ride auto transportation Services</p> <p>23 back in 2021 into King, Pierce, Snohomish, and Kitsap</p> <p>24 Counties, we have been looking for and seeking out</p> <p>25 different methods and manners to continue to improve</p>	<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 population and substantial increase of overnight hotel</p> <p>2 visitors in the Eastside area. This has been going on</p> <p>3 for a couple years now, since COVID, with a dramatic</p> <p>4 return.</p> <p>5 We realized there was a growing demand for</p> <p>6 airport shuttle service between SeaTac Airport and the</p> <p>7 cities of Redmond, Kirkland, and Bellevue. In fact, many</p> <p>8 customers and other related transportation organizations</p> <p>9 have recently seemed very supportive and expressed the</p> <p>10 need to provide these services.</p> <p>11 So as one step, we had previously reached out</p> <p>12 to various hotels in Bellevue, including the Hyatt</p> <p>13 Regency Bellevue, back in July of 2021 and again in</p> <p>14 January of 2022. The only thing is we received some kind</p> <p>15 of lackluster responses or disinterest in shuttle</p> <p>16 services at that time. Most of the responses were like</p> <p>17 oh, Uber and Lyft pick up here, and they're not very</p> <p>18 expensive, so people just take them.</p> <p>19 In early 2023, we again attempted to seek out</p> <p>20 services needed in Bellevue. And as previously stated in</p> <p>21 the proceeding, we had reached out to Visit Bellevue, the</p> <p>22 local DMO, regarding our services and our company.</p> <p>23 We were given an online portal access to Visit</p> <p>24 Bellevue, and had a follow up e-mail welcoming us.</p> <p>25 And then I had also called to speak with them</p>
<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 customer service options to improve options to meet the</p> <p>2 needs of the traveling public.</p> <p>3 Q And what extension of your services did you</p> <p>4 apply for in 2021?</p> <p>5 A So back in '20 -- actually, we applied for an</p> <p>6 extension in 2020; sorry -- in Docket TC-200945, where we</p> <p>7 specifically applied to provide door-to-door passenger</p> <p>8 service between SeaTac, the Seattle-Tacoma International</p> <p>9 Airport, and the Seattle Waterfront piers on one hand and</p> <p>10 points within King, Pierce, Snohomish, and Kitsap</p> <p>11 Counties and JBLM, Joint Base Lewis McChord, on the other</p> <p>12 hand. Similarly to our application in this proceeding,</p> <p>13 we applied to provide scheduled passenger service between</p> <p>14 Seattle-Tacoma International Airport and specifically</p> <p>15 downtown Seattle hotels and the Seattle Waterfront piers.</p> <p>16 Q And were you granted that authority you applied</p> <p>17 for in Docket TC-200945?</p> <p>18 A Yes, we were granted the authority exactly as</p> <p>19 it was applied for on our application.</p> <p>20 Q And can you tell us more about what prompted</p> <p>21 you to file for extension of authority to operate in</p> <p>22 Bellevue, Redmond, and Kirkland areas?</p> <p>23 A Well, expanding our business operations into</p> <p>24 the Bellevue, Redmond, and Kirkland areas with scheduled</p> <p>25 services seemed a natural adaptation to the fast-growing</p>	<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 regarding our services. And I spoke with -- I believe it</p> <p>2 was their partnership manager at the time, and informed</p> <p>3 her that we were the only authorized shared van</p> <p>4 Bellevue-airport shuttle service for the local area to</p> <p>5 SeaTac Airport.</p> <p>6 I also let her know that Shuttle Express, a</p> <p>7 previous auto transportation company, was still listed on</p> <p>8 Visit Bellevue as an airport shuttle service provider,</p> <p>9 but they were no longer in business operating as a shared</p> <p>10 van service.</p> <p>11 She kind of responded with okay, didn't seem</p> <p>12 all that excited, but told us we could fill out</p> <p>13 information on the portal and add to our listings with</p> <p>14 the shuttles and to ask if we needed any more help.</p> <p>15 So during this time of, you know, post-COVID,</p> <p>16 where a lot of different aspects of travel were coming</p> <p>17 back, we did what we could to measure interest and</p> <p>18 webpage visits to our company, and started, in April</p> <p>19 2021, advertising Bellevue Airport Shuttle, Kirkland</p> <p>20 Airport Shuttle, Redmond Airport Shuttle, Woodinville</p> <p>21 Airport Shuttle, you know the general names of each city</p> <p>22 and airport shuttle.</p> <p>23 And the increase -- there was an increased</p> <p>24 interest, a lot during, like, the summer end of 2023, but</p> <p>25 pretty dramatic increase in web page hits during the</p>

<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 summer of 2024.</p> <p>2 Q And can we pull up PNTS's Exhibit Number 10.</p> <p>3 We reviewed this exhibit previously, but go</p> <p>4 ahead and let me know when you pulled it up.</p> <p>5 A Okay, I see it.</p> <p>6 Q And do you recognize this document?</p> <p>7 A Yeah, this is a screenshot taken of our web</p> <p>8 page administration page for all the different pages</p> <p>9 within our website.</p> <p>10 Q Okay. And what does it show, exactly, with the</p> <p>11 circled part around Bellevue Airport Shuttle and Bellevue</p> <p>12 Private Van Services?</p> <p>13 A Okay. So this is the Bellevue Airport Shuttle</p> <p>14 page and the Bellevue Private Van Services page.</p> <p>15 And it shows how each of these were published</p> <p>16 with our website back on April 27, 2021. That was the</p> <p>17 time in which we began operating more of the previously</p> <p>18 extended authority that we had received. And so marketing</p> <p>19 those areas was important to increase awareness of our</p> <p>20 business.</p> <p>21 Q And that was done, then, in April of 2021?</p> <p>22 A Yeah. Yeah. They were published in April of</p> <p>23 2021, as it shows there. And so we've actively and</p> <p>24 publicly marketed the services of Premier Airport Shuttle</p> <p>25 using the trade name Bellevue Airport Shuttle for nearly</p>	<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 service between hotels in Bellevue, Redmond, Kirkland,</p> <p>2 and the SeaTac Airport, especially, that there are large</p> <p>3 companies with thousands of employees and many visitors</p> <p>4 to our local communities that travel and would use</p> <p>5 scheduled airport shuttle services in these cities.</p> <p>6 She is quite aware how Premier Airport Shuttle</p> <p>7 provides a very dependable airport shuttle service from</p> <p>8 all areas around Bellevue, but currently only with</p> <p>9 door-to-door service, and that she supports Premier</p> <p>10 Airport Shuttle in adding scheduled service between the</p> <p>11 cities of Bellevue, Redmond, Kirkland, and SeaTac</p> <p>12 Airport.</p> <p>13 ATTORNEY HOWARD: Your Honor, I'd like to raise</p> <p>14 an objection that I'll try to keep very concise, but it</p> <p>15 appears now that we're -- in addition to just reading</p> <p>16 these things into the record that are already admitted</p> <p>17 and in the record, now we're hearing Mr. Fricke's</p> <p>18 characterization of these witnesses' knowledge and</p> <p>19 characterizations of their statements. He just</p> <p>20 characterized Ms. Fialkowitz's firsthand knowledge.</p> <p>21 And I don't think that we should allow that. I</p> <p>22 think these support statements speak for themselves, and</p> <p>23 we're going to be here for a long time if we're doing</p> <p>24 this.</p> <p>25 JUDGE HUGHES: PNTS?</p>
<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 four years.</p> <p>2 ATTORNEY SO: And if we could just -- we'll</p> <p>3 briefly go through the support statements, your Honor, if</p> <p>4 that's okay.</p> <p>5 Q (By Attorney So) We can go to Exhibit 1.</p> <p>6 A Okay.</p> <p>7 Q And can you go ahead and tell me, do you</p> <p>8 recognize this document?</p> <p>9 A Yeah. This is a customer support statement</p> <p>10 from one of our customers, Cassidy Fialkiewicz.</p> <p>11 Q And was this support statement provided in your</p> <p>12 application?</p> <p>13 A Yes, it was. Our application was accompanied</p> <p>14 by numerous customer support statements, including this</p> <p>15 one, that attest to and demonstrate the public will</p> <p>16 benefit from our frequent scheduled services between</p> <p>17 hotels in Bellevue, Redmond, Kirkland, and the airport.</p> <p>18 Q Okay. And where is she located?</p> <p>19 A She is a resident of Bellevue. Along with</p> <p>20 being one of our frequent travelers, she's an employee of</p> <p>21 a large tech company in the Bellevue, Redmond, Kirkland</p> <p>22 area.</p> <p>23 In the support statement, she attests to the</p> <p>24 fact that she knows many people that need and would</p> <p>25 benefit from a lower cost shuttle service with frequent</p>	<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 ATTORNEY SO: That's fine, your Honor, if --</p> <p>2 they are admitted already. I just urge the Court to</p> <p>3 review them and note that each of the supporting</p> <p>4 statements are different from one another. They're not</p> <p>5 templates.</p> <p>6 And they provide support to the different</p> <p>7 areas, not just Bellevue, but also Redmond and Kirkland.</p> <p>8 JUDGE HUGHES: Okay. I'm going to overrule the</p> <p>9 objection.</p> <p>10 I hear the hearsay argument. However, I</p> <p>11 believe some people from View [sic] Bellevue did</p> <p>12 characterize the opinions of hoteliers and some of the</p> <p>13 people that supported.</p> <p>14 And in any event, all that will go towards the</p> <p>15 weight that I assign it.</p> <p>16 So let's move forward.</p> <p>17 ATTORNEY SO: Thank you, your Honor.</p> <p>18 Q (By Attorney So) I will just -- if we could</p> <p>19 just note -- go to PNTS's Exhibit Number 5 is a support</p> <p>20 statement from Mark Ustik. This support statement was --</p> <p>21 sorry.</p> <p>22 Go ahead, Mr. Fricke. Whenever you've pulled</p> <p>23 it up, why don't you go ahead and let me know.</p> <p>24 A Right. I've got it.</p> <p>25 Q Okay. And do you recognize this document?</p>

<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 A Yes, I do.</p> <p>2 Q Can you tell me what it is?</p> <p>3 A So this is an additional certificate of support</p> <p>4 statement from Mark Ustik of the New England</p> <p>5 Transportation Group. He operates a regional</p> <p>6 transportation planning organization that books travel</p> <p>7 throughout the United States, including the Seattle area.</p> <p>8 In it, they support Premier Airport Shuttle's</p> <p>9 application to provide scheduled service, the needs --</p> <p>10 and that they need their company's -- sorry. They need</p> <p>11 Premier Airport Shuttle's company services between SEA</p> <p>12 Airport and all the hotels in downtown Redmond, Bellevue,</p> <p>13 and Kirkland, including -- and I will just list what he</p> <p>14 lists exactly.</p> <p>15 (Overlapping speech)</p> <p>16 THE WITNESS: I'm sorry?</p> <p>17 JUDGE HUGHES: That's not necessary. I have the</p> <p>18 document. I can read it.</p> <p>19 THE WITNESS: Okay. Okay.</p> <p>20 JUDGE HUGHES: We will be concluding in two</p> <p>21 hours.</p> <p>22 So I know how to read. So to the extent that</p> <p>23 there are things in the exhibit you'd like me to look at,</p> <p>24 you can describe it, you can point to it, but we will not</p> <p>25 be sitting here and reading all the exhibits. Okay?</p>	<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 you when we're ready for you. Thank you.</p> <p>2 Q (By Attorney So) Can I ask you about your PNTS</p> <p>3 application to file its extension of authority?</p> <p>4 What date did you file that?</p> <p>5 A We filed that on November 19, 2024.</p> <p>6 It was posted to the docket online at November</p> <p>7 20, 2024.</p> <p>8 Q And can you explain what the extension PNTS is</p> <p>9 applying for specifically?</p> <p>10 A Yeah. So, PNTS, when we filed the extension of</p> <p>11 authority, we applied to extend our permit, our permanent</p> <p>12 authority for a service which at the time of application</p> <p>13 was not served by any other auto transportation company</p> <p>14 between any of the points or along any of the portion of</p> <p>15 what we proposed to provide, which is scheduled passenger</p> <p>16 service between Seattle-Tacoma International Airport and</p> <p>17 the downtown areas of Redmond, Kirkland, and Bellevue,</p> <p>18 utilizing major hotels and ground transportation centers</p> <p>19 as the pickup and dropoff locations in each of those</p> <p>20 listed cities.</p> <p>21 ATTORNEY HOWARD: Your Honor, I'd like to renew</p> <p>22 my objection. As we have characterized these filings,</p> <p>23 they were undeveloped filings, and, from our point of</p> <p>24 view, brought to harass and cause costs. And we're still</p> <p>25 sitting here reading filings that are already in the</p>
<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 ATTORNEY SO: Thank you, your Honor.</p> <p>2 Q (By Attorney So) I just wanted to know, when</p> <p>3 was this declaration or this support statement signed by</p> <p>4 him?</p> <p>5 A This was signed on March the 5th.</p> <p>6 Q Right. So it was just fairly recent?</p> <p>7 A Very recently, yeah.</p> <p>8 And I just -- I just wanted to point out one</p> <p>9 other thing that he added on there, you know, how</p> <p>10 important -- the 30-minute intervals are important to him</p> <p>11 and his customers and clientele that travel in and out of</p> <p>12 SeaTac Airport.</p> <p>13 ATTORNEY SO: And your Honor, I do notice that</p> <p>14 Alex Schenkar, who is an individual who submitted a</p> <p>15 support statement on behalf of PNTS's application, he's</p> <p>16 appeared. I don't know if he needs to give his testimony</p> <p>17 right now, or if maybe we can call him in a little bit.</p> <p>18 JUDGE HUGHES: When you're done asking</p> <p>19 questions of Mr. Fricke, the other parties will have an</p> <p>20 opportunity to ask him questions. I'll have an</p> <p>21 opportunity ask him questions. There will be redirect.</p> <p>22 I'll dismiss him, and at that point we can call a second</p> <p>23 witness.</p> <p>24 ATTORNEY SO: Okay, Alex, you can go ahead and</p> <p>25 turn off your video, and then we will reach back out to</p>	<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 record.</p> <p>2 And my client needs to pay me to be here to</p> <p>3 represent him. And if we're going to spend the entire</p> <p>4 afternoon reading the filings that are already in the</p> <p>5 docket, this is -- this is causing costs for Eagle</p> <p>6 Towncar.</p> <p>7 ATTORNEY SO: Your Honor, I will try to quicken</p> <p>8 the questions, but, you know, Eagle Towncar has had this</p> <p>9 entire morning. We just started at 2:00. It's 2:30.</p> <p>10 JUDGE HUGHES: That's fair. Ask the question</p> <p>11 again.</p> <p>12 I'm aware of your challenge, Mr. Howard. I'm</p> <p>13 going to overrule it for this.</p> <p>14 But, yes, please, please assume that I can</p> <p>15 absorb the record, and focus your questions to the best</p> <p>16 of your ability to point me in the direction you'd like.</p> <p>17 So please proceed.</p> <p>18 ATTORNEY SO: Thank you.</p> <p>19 I just was asking Mr. Fricke to describe the</p> <p>20 schedules, the proposed scheduled service, if you -- in</p> <p>21 their application.</p> <p>22 Q (By Attorney So) I know everyone can read, but</p> <p>23 sometimes it's just easier to give a summary as to</p> <p>24 perhaps the schedule, the actual schedule listed in the</p> <p>25 tariffs.</p>

<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 A Sure. Yeah. And then I just -- I mean, I</p> <p>2 wanted to point out the purpose of applying for this is</p> <p>3 because there's a growing demand for airport shuttle</p> <p>4 service in these cities due to the increasing population</p> <p>5 density, the visitor growth in the area, which was</p> <p>6 attested to by Visit Bellevue, and there are many. The</p> <p>7 hotels, businesses, and residents request, require and</p> <p>8 need convenient, frequently scheduled shuttle service.</p> <p>9 So our application is accompanied by those</p> <p>10 supporting statements which we referred to already, and</p> <p>11 numerous businesses that provide the evidence for public</p> <p>12 necessity and convenience that our proposed service will</p> <p>13 provide.</p> <p>14 ATTORNEY HOWARD: Your Honor, I'm --</p> <p>15 (Overlapping speech)</p> <p>16 THE WITNESS: Our company is applying to</p> <p>17 provide convenient shuttle service that no other company</p> <p>18 provides or proposes to provide.</p> <p>19 (Overlapping speech)</p> <p>20 JUDGE HUGHES: Hold on.</p> <p>21 (Overlapping speech)</p> <p>22 JUDGE HUGHES: We really need one person</p> <p>23 talking at a time. And when I need you to stop talking,</p> <p>24 I'm going to raise my hand like this, or I'll try to make</p> <p>25 a noise. So try to keep an eye on the video.</p>	<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 airport as early as 5:30 a.m., and operating throughout</p> <p>2 the day. And the last departure would be at 1:00 a.m.,</p> <p>3 after midnight.</p> <p>4 Q From SeaTac?</p> <p>5 A That's from SeaTac Airport to Bellevue,</p> <p>6 Redmond, and Kirkland.</p> <p>7 And then additionally to the airport, we</p> <p>8 propose to provide service with pickups starting at</p> <p>9 2:00 a.m., and continue those until 11:00 p.m., covering</p> <p>10 throughout the day so that travelers that have a</p> <p>11 5:30 a.m. flight are able to have ample time, which is,</p> <p>12 you know, an hour and a half, two hours recommended to</p> <p>13 get to the airport before the flight.</p> <p>14 Q Okay. So, then, PNTS's application is</p> <p>15 providing starting at 2:00 a.m. for Bellevue and Redmond</p> <p>16 and Kirkland; is that correct, to go to SeaTac Airport?</p> <p>17 A Yes, that is correct.</p> <p>18 Q Okay. Thank you.</p> <p>19 Let's see. So what does PNTS plan on offering</p> <p>20 with these new scheduled services?</p> <p>21 A All right. So with the services, when we drop</p> <p>22 off customers at the ticket -- at SeaTac Airport, we drop</p> <p>23 them off right outside their ticket counter on the</p> <p>24 departures level. So it's very convenient there.</p> <p>25 When we pick them up at the airport, we have a</p>
<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 Mr. Howard, you were -- you're trying to</p> <p>2 interject some way.</p> <p>3 ATTORNEY HOWARD: Yes, I apologize. I</p> <p>4 apologize, your Honor, but this is the -- Ms. So just</p> <p>5 asked him to describe the tariff schedule and summarize</p> <p>6 that.</p> <p>7 And instead of doing that, he talked about why</p> <p>8 his service is needed or important or the reasons for it.</p> <p>9 It's a completely nonresponse. He just started reading</p> <p>10 something off of his screen. We could see his eyes. He</p> <p>11 wasn't even responding to his own counsel's question.</p> <p>12 That entire answer should be stricken. It was</p> <p>13 not the answer to the question. It was entirely</p> <p>14 something else that he was just reading.</p> <p>15 JUDGE HUGHES: I'm going to overrule.</p> <p>16 Counselor, very direct questions. We're going</p> <p>17 towards the elements of the application.</p> <p>18 Q (By Attorney So) Yes. Can you tell me the</p> <p>19 specific start times and end times that PNTS is offering</p> <p>20 for their scheduled services?</p> <p>21 A Yes. And if other counsel needs to refer to</p> <p>22 Attachment H, Flexible Fare Tariff Sheets that -- it's</p> <p>23 listed on there.</p> <p>24 So we propose pickups and departures every 30</p> <p>25 minutes, starting, you know, early in the -- from the</p>	<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 heated waiting area with a customer service checkin</p> <p>2 kiosk. So they can check in with our coordinator or our</p> <p>3 driver to prepare for their pickup.</p> <p>4 There is -- we also applied for our -- the</p> <p>5 route to take to and from the airport would be on the</p> <p>6 schedule that is shown, but to be able to maintain those</p> <p>7 schedules, because we are quite aware of different times</p> <p>8 of traffic, and whatever. So our application includes</p> <p>9 the use of Interstate 405, Interstate 90, State Route</p> <p>10 520, so utilizing (inaudible) across the lake to the west</p> <p>11 and I-5 if necessary, and then the connecting roads to</p> <p>12 the airport, which would be SR-518 into the Airport</p> <p>13 Expressway.</p> <p>14 Q Okay. So it's not always just the same route</p> <p>15 using I-405 getting from, one, SeaTac to the Bellevue</p> <p>16 hotels?</p> <p>17 A No, because that -- I mean that that roadway</p> <p>18 often becomes congested during different times of the</p> <p>19 day, and traffic and commute times especially.</p> <p>20 Q Okay. And what about for -- same for Kirkland?</p> <p>21 A Yes, the same. The same would apply for</p> <p>22 Kirkland, Redmond, and Bellevue.</p> <p>23 Q And did you -- you briefly mentioned -- excuse</p> <p>24 me; briefly mentioned that the passengers can check in at</p> <p>25 the kiosk when they arrive at the airport after getting</p>

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1 off of the airplane and before catching the shuttle. Is
2 there a way for them to track where their driver is or
3 the shuttle is?
4 A Yeah. So, actually, when customers first
5 arrive, they are greeted with a text message welcoming
6 them to the airport. And within that text message, there
7 are directions to how to find us and locate us at SeaTac
8 Airport, including a very helpful video link to a
9 webpage, because we often find that customers get -- you
10 know, get lost within the airport. So they do that when
11 they get to their checkin.
12 When they get to the area for pickup, they mark
13 that they're ready to go, which sends an instant message
14 to our dispatch where we can then have the customer
15 assigned to a specific driver, or the scheduled shuttle
16 in this case.
17 They can track the driver and their location so
18 they can, you know, have peace of mind that the driver is
19 -- you know, it'll pop up on Google Maps and show them
20 where the actual vehicle is in relation to their pickup.
21 And this -- this is a feature that we provide to
22 customers both departing and arriving at SeaTac Airport.
23 Q Is this a convenience benefit for your
24 passengers?
25 A Oh, yeah. This is definitely a convenience

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1 factor. I'm not aware of any other company that provides
2 that service at SeaTac Airport for their customers.
3 Q Thank you.
4 Can we go ahead and go to PNTS's application?
5 Actually, it's -- it's provided in its
6 application as Attachment H. It's a ridership and
7 revenue forecast for the area.
8 A What was the number on that?
9 Q Eight, I believe.
10 JUDGE HUGHES: Sorry, you think PNTS-8 or,
11 like, 8 as attachment to the application?
12 Where are we looking?
13 ATTORNEY SO: Eight, yeah, sorry. Eight as an
14 attachment to PNTS's application, not Exhibit PNTS-8.
15 THE WITNESS: Oh, in the initial filing? Okay.
16 ATTORNEY SO: Yes.
17 THE WITNESS: I see it. Yeah.
18 Q (By Attorney So) Can you go ahead and tell me
19 about this?
20 Do you recognize -- or tell me about this
21 document.
22 A Yes. So this was an attachment with the
23 initial application referencing the projected ridership
24 and revenue for the applied -- the area of applied
25 extension authority.

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1 Q And is this including Redmond and Kirkland?
2 A Yes, it includes Redmond, Kirkland, and
3 Bellevue all combined.
4 Q Okay. Together. And is the number under
5 January or February, that's the total number of
6 reservations expected for the three areas in total?
7 A Yes, because January and February is -- and the
8 first half of March are typically a slower season in the
9 auto transportation industry.
10 Q Can you tell me, like, how PNTS has arrived at
11 picking the locations for the hotels in Kirkland?
12 A Yeah. So we spent the last year and a half or
13 so, two years, trying to consider what locations would be
14 that attract overnight visitors that fly in from --
15 through SeaTac Airport and areas where it's -- they're
16 centrally located, so that even not just hotel customers
17 could be picked up at these locations, but local
18 residents as well, to enjoy the convenience of a
19 scheduled service.
20 Q Okay. So not just hotel stayers at those
21 hotels, but local residents can drive and park there and
22 then take a shuttle to the airport?
23 A Right, right. And then as well as -- as well
24 as that Mark Ustik and our other -- I believe his name,
25 Rob, Robert Landry, who provided support statements, they

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1 have a lot of inquiries for all those specific hotels.
2 So they have, you know, kind of requested those locations
3 as well.
4 Q Okay. So is it PNTS's business decision to
5 pick those locations for your scheduled services?
6 A Yeah, yeah. Again, this has been a -- like a
7 long-term business plan. How do we expand and grow and
8 provide more services to the public?
9 Basically, since we received -- we applied for
10 the previous extension of authority, so we've just --
11 we've done our research and gotten feedback. And those
12 needs have been expressed from various customers,
13 including the ones that I just mentioned.
14 Q Thank you, your Honor -- thank you, Mr. Fricke.
15 Let me see if I have any other additional questions.
16 Just in general, I want to ask, does PNTS have
17 not -- the knowledge, experience, and resources to
18 conduct the service it proposes in its application?
19 A Oh, most certainly, yes. You know, kind of as
20 I previously had stated, our company and our management
21 team, we have many, many years of experience and
22 training. And we retain the knowledge and resources to
23 conduct the services that we propose in our application.
24 Q And is PNTS fit, willing, and able to comply
25 with the state laws and the requirements?

<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 A Yes, we are definitely fit, willing and able.</p> <p>2 Our company and management team are all familiar with the</p> <p>3 statutes and rules, again, as I previously stated, in</p> <p>4 WAC 480-30, RCW 81.68, 81.70, as well as our -- you could</p> <p>5 see from our previous annual reports filed with the</p> <p>6 commission that, you know, the business has a strong</p> <p>7 (inaudible) and weathered many different time periods and</p> <p>8 economic challenges, and we continue to persevere.</p> <p>9 Q Thank you.</p> <p>10 Is there anything else you'd like to add for</p> <p>11 the commission to consider?</p> <p>12 A Yes. So it has been stated and established</p> <p>13 that our current extension application for our authority</p> <p>14 was filed on November 19. And at that time, and in all</p> <p>15 records that I've seen on the UTC website or</p> <p>16 notifications, that there was no other company, auto</p> <p>17 transportation company, operating these services at the</p> <p>18 time we applied. So as it's set forth in WAC 480-30-143,</p> <p>19 Part A, the service to the satisfaction of the</p> <p>20 commission, the determination of whether an objecting</p> <p>21 company is providing service to the satisfaction of the</p> <p>22 commission is dependent on, and specifically states it is</p> <p>23 dependent on, in Part (b), whether an objecting company</p> <p>24 will provide service to the satisfaction is based on the</p> <p>25 objecting company's performance regarding criteria in</p>	<p>CROSS-EXAMINATION OF FRICKE BY JONES</p> <p>1 JUDGE HUGHES: Okay, but you're not an</p> <p>2 attorney. Just --</p> <p>3 THE WITNESS: No. I'm not an attorney. I</p> <p>4 already answered that. Thank you.</p> <p>5 ATTORNEY HOWARD: Your Honor, your Honor, Eagle</p> <p>6 Towncar would just note its objection for the record to</p> <p>7 this witness offering any legal opinions whatsoever.</p> <p>8 THE WITNESS: I stated I was not.</p> <p>9 JUDGE HUGHES: Right. So sustained.</p> <p>10 WACs are up to interpretation. In fact, we hire</p> <p>11 administrative law judges to do that. So they're not</p> <p>12 beyond debate, as a matter of fact.</p> <p>13 Do you have any more questions for your</p> <p>14 witness?</p> <p>15 ATTORNEY SO: No, your Honor.</p> <p>16 JUDGE HUGHES: Thank you.</p> <p>17 Staff, any questions?</p> <p>18 ATTORNEY JONES: Yes, your Honor. Staff has a</p> <p>19 couple of questions. Just one moment.</p> <p>20</p> <p>21 CROSS-EXAMINATION</p> <p>22 BY ATTORNEY JONES:</p> <p>23 Q Mr. Fricke, if Eagle Towncar's and PNTS's</p> <p>24 applications were approved, both of them, would the</p> <p>25 increased competition in the Bellevue area be beneficial</p>
<p>DIRECT EXAMINATION OF FRICKE BY SO</p> <p>1 this section prior to the date an application for</p> <p>2 proposed service is filed at the commission.</p> <p>3 That is a requirement, a rule. There's no --</p> <p>4 there's no interpreting that one way or another. And so I</p> <p>5 -- I just -- I'm not quite sure --</p> <p>6 JUDGE HUGHES: I have a question.</p> <p>7 THE WITNESS: -- how we've gotten to this</p> <p>8 point.</p> <p>9 JUDGE HUGHES: I have a question. Are you an</p> <p>10 attorney?</p> <p>11 THE WITNESS: No, I'm not.</p> <p>12 JUDGE HUGHES: Are you offering a legal</p> <p>13 opinion?</p> <p>14 THE WITNESS: I'm stating the facts of my</p> <p>15 knowledge of the RCW, which I've studied for many years.</p> <p>16 And I am -- I am stating specific facts that are found in</p> <p>17 the RC -- in the WACs that govern the operation of auto</p> <p>18 transportation companies. I'm referencing them as a</p> <p>19 fact.</p> <p>20 JUDGE HUGHES: Okay. Which RCW are you</p> <p>21 referring to again?</p> <p>22 THE WITNESS: WAC.</p> <p>23 JUDGE HUGHES: You said RCW?</p> <p>24 THE WITNESS: WAC 483-140, Section (3), Part</p> <p>25 (a) and Part (b).</p>	<p>CROSS-EXAMINATION OF FRICKE BY JONES</p> <p>1 to the traveling public?</p> <p>2 A We feel that there is plenty of auto</p> <p>3 transportation customers in the Bellevue area. And the</p> <p>4 public would benefit from increased competition as it is</p> <p>5 encouraged by the UTC, because increased competition</p> <p>6 allows for both companies to put forth their best effort,</p> <p>7 maintain a high quality of service, continue to seek ways</p> <p>8 to improve the services, and, you know, provide the best</p> <p>9 options to the traveling public, whether that be time of</p> <p>10 day or type of service, how it's delivered.</p> <p>11 We feel that competition between two auto</p> <p>12 transportation companies in a similar area, although</p> <p>13 services would be different, as we've stated, but we feel</p> <p>14 it would be beneficial to the traveling public. Yes.</p> <p>15 Q I'd like to ask about the route that your</p> <p>16 company has proposed. And I'm specifically referring to</p> <p>17 the Bellevue area route. Can you explain how the route</p> <p>18 that your company has proposed, how it's different, if it</p> <p>19 is, from the route that Eagle Towncar has proposed?</p> <p>20 A Yes. It includes a couple different hotels than</p> <p>21 -- I believe Eagle Towncar had applied for the</p> <p>22 Intercontinental and the W. And it's also different</p> <p>23 specifically in frequency and, like, twice as much --</p> <p>24 more than twice as much service that would be available</p> <p>25 to the traveling public for that, as well as we -- in our</p>

CROSS-EXAMINATION OF FRICKE BY JONES

1 application, we applied to utilize all possible routes to
2 and from the airport, not just the one most direct route,
3 which as I said, often becomes backed up with traffic.
4 So we definitely plan on different routes to be
5 able to adapt to the traffic and the congestion on the
6 roadways.
7 Q And your application, it just included the one
8 route for Bellevue, is that correct?
9 A For Bellevue? I'm not --
10 Q You mentioned that there's alternate routes
11 that you're considering.
12 A Alternate routes transporting customers to and
13 from the airport, yes. That would be utilizing not only
14 Interstate 405, but also Interstate 90 or State Route
15 520, dependent upon the traffic or congestion at the
16 time.
17 Q Okay.
18 A As a convenience for customers to maintain the
19 schedule.
20 Q And another thing I'd like to ask about, I
21 believe you mentioned in the questions from Ms. So that
22 the company has included in its proposed tariff the trade
23 name Bellevue Airport Shuttle in the tariff; is that
24 correct?
25 A Yes.

CROSS-EXAMINATION OF FRICKE BY JONES

1 Q Okay.
2 A As well as Redmond Airport Shuttle and Kirkland
3 Airport Shuttle.
4 Q Okay. And are you aware that auto
5 transportation companies that wish to add a trade name
6 need to apply for that?
7 A Yes, I am.
8 Q Okay. And have you ever applied to the
9 commission to add Bellevue Airport Shuttle as a trade
10 name?
11 A Not at this time. It was just we were waiting
12 for the application process to be complete to add the
13 trade name, because it wouldn't make sense with the UTC
14 to add it until the authority was granted.
15 Q Okay. So in your mind, the process is to
16 include a trade name on your proposed certificate that is
17 -- before you've been granted permission by the
18 commission to add that trade name. Is that your
19 testimony?
20 A Well, as we were instructed in the past -- I
21 believe it was Patrick Remfrey -- in our last extension
22 of authority, we needed to first apply to the Department
23 of Revenue, Department of Licensing, to add a DBA and
24 then go through the application process. And once
25 granted, then -- when authority is granted, then add a

CROSS-EXAMINATION OF FRICKE BY JONES

1 trade name.
2 I think it was similar to Eagle Towncar, who
3 applied back in September, and then they just added
4 Bellevue Airport Shuttle trade name in January.
5 Q Okay. So just so the record's very clear, PNTS
6 has not applied to the commission to add Bellevue Airport
7 Shuttle as a trade name at this stage?
8 A No, we simply have it included on the potential
9 -- on the proposed tariff for the application.
10 Q Okay. And there's a -- are you aware that
11 there's a fee associated with adding a trade name to your
12 certificate?
13 A Yes, I am. We did that back when we added the
14 trade name Premier Airport shuttle back in 2021.
15 Q Okay. And since you haven't applied for that,
16 for Bellevue Airport Shuttle as a trade name, you
17 wouldn't have paid that \$35 fee, correct?
18 A Not at this point.
19 ATTORNEY JONES: Okay. Thank you. I have no
20 further questions.
21 JUDGE HUGHES: Eagle Towncar?
22 ATTORNEY HOWARD: Yes. Thank you, your Honor.
23
24
25

CROSS-EXAMINATION OF FRICKE BY HOWARD

1 CROSS-EXAMINATION
2 BY ATTORNEY HOWARD:
3 Q Good afternoon, Mr. Fricke.
4 A Good afternoon.
5 Q Could you turn to PNTS Exhibit 10? PNTS-10.
6 A I see it.
7 Q And I'm going to look at the first page of this
8 for right now. Can you let me know when you're there?
9 A PNTS Exhibit 10, Adoption Order 121328?
10 Q No, Exhibit 10 is the web page search
11 optimization.
12 A Okay. I'm sorry. I was looking at the Eagle,
13 the Eagle exhibits.
14 Q That's all right.
15 A Okay.
16 Q All right. You have that open?
17 A I do.
18 Q Okay. Looking at the list of these different
19 terms here in blue, are these search terms that you are
20 investing in with a service for internet marketing?
21 A These are web page names. Like it would be
22 Premier Airport Shuttle/Bellevue Airport Shuttle, or
23 Premier Airport Shuttle/Bellevue Private Van Services,
24 that.
25 Q All right, are you -- and I see on the lefthand

<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 column here in the black most of the way down, it uses an</p> <p>2 acronym, SEO, which, do you understand that acronym to be</p> <p>3 Search Engine Optimization?</p> <p>4 A Yes, I do.</p> <p>5 Q Are you paying for search engine optimization</p> <p>6 based on these terms?</p> <p>7 A These terms and various other terms, we pay for</p> <p>8 search engine optimization, Google Ads.</p> <p>9 Q All right. So going back to the blue terms</p> <p>10 here in the column, the third one is Alderbrook Resort</p> <p>11 Shuttle; is that right?</p> <p>12 A That's what it says there, yes.</p> <p>13 Q Are you familiar with what the Alderbrook</p> <p>14 Resort is?</p> <p>15 A I am.</p> <p>16 Q Are you affiliated with them in any way?</p> <p>17 A We provide service to and from that area when</p> <p>18 customers request for our door-to-door service.</p> <p>19 Q No, certainly-- I'll clarify my question. To</p> <p>20 not use such a legal way of phrasing it.</p> <p>21 Are you part of their company?</p> <p>22 A No, we're not part of their company.</p> <p>23 Q And then towards the bottom here, we have</p> <p>24 Celebrity Cruise Shuttles; is that right?</p> <p>25 A Yes.</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 A Our Bellevue Airport Shuttle page has been in</p> <p>2 existence long before Eagle Towncar.</p> <p>3 Q Right. Moving on.</p> <p>4 So talking about this specific webpage, the</p> <p>5 Bellevue Airport Shuttle webpage that is noted here,</p> <p>6 about how much traffic are you getting on that webpage</p> <p>7 right now?</p> <p>8 A I don't know. I don't have the statistics in</p> <p>9 front of me.</p> <p>10 Q You, in your -- when Ms. So was asking you</p> <p>11 questions just a moment ago, you noted there was an</p> <p>12 increase in webpage hits in 2024; is that right?</p> <p>13 A There was a pretty significant increase, as I</p> <p>14 stated, in 2023, and then even more in 2024, yes.</p> <p>15 Q Okay. Do you have any idea -- are you able to</p> <p>16 describe the magnitude of that increase in any way?</p> <p>17 ATTORNEY SO: Objection, your Honor.</p> <p>18 Relevance.</p> <p>19 ATTORNEY HOWARD: I'm asking for clarification</p> <p>20 on something he said in his direct.</p> <p>21 JUDGE HUGHES: Overruled.</p> <p>22 Please answer the question.</p> <p>23 THE WITNESS: I'm sorry. Can you restate the</p> <p>24 question?</p> <p>25 Q (By Attorney Howard) Are you able to describe</p>
<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 Q Are you part of Celebrity Cruise company in any</p> <p>2 way?</p> <p>3 ATTORNEY SO: Sorry. Objection, your Honor.</p> <p>4 Relevance.</p> <p>5 ATTORNEY HOWARD: I'm getting there in one</p> <p>6 second, your Honor.</p> <p>7 JUDGE HUGHES: Yeah, I think I see where he's</p> <p>8 going.</p> <p>9 I'm going to overrule that objection.</p> <p>10 Continue.</p> <p>11 ATTORNEY HOWARD: Thank you.</p> <p>12 Q (By Attorney Howard) So, Mr. Fricke, is it</p> <p>13 your contention in this hearing that because you created</p> <p>14 a web page with Alderbrook Resort Shuttle that you own</p> <p>15 the rights to Alderbrook Resort Shuttle as a term?</p> <p>16 A No, I'm not listing -- I'm not stating that at</p> <p>17 all.</p> <p>18 Q Okay. Are you claiming rights to the term</p> <p>19 "Celebrity Cruise Shuttles" or "CenturyLink Field</p> <p>20 Shuttles"?</p> <p>21 A No, this is simply a list of pages on our</p> <p>22 website.</p> <p>23 Q But you're contending that the Bellevue Airport</p> <p>24 Shuttle page gives you a right to disregard Eagle</p> <p>25 Towncar's certificate rights?</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 how much the webpage traffic increased for the Bellevue</p> <p>2 Airport shuttle web page?</p> <p>3 A Probably in 2023, it was approximately twice as</p> <p>4 what it was in 2022.</p> <p>5 And then the -- kind of middle of the summer of</p> <p>6 2024, it was a pretty substantial increase, probably two</p> <p>7 or three times as much.</p> <p>8 Q Are you able to provide any estimate, either</p> <p>9 2023 or 2024, of what the total number of hits on that</p> <p>10 webpage would have been, either on a daily, weekly, or</p> <p>11 monthly basis, or any basis?</p> <p>12 A Not without checking our statistics</p> <p>13 specifically.</p> <p>14 Again, I just know it was like, probably on a</p> <p>15 daily basis, we were probably getting 20 or 30 hits in</p> <p>16 '22.</p> <p>17 And so it was like about 50 hits in 2023.</p> <p>18 And then in 2024, it was more. It was -- it was</p> <p>19 pretty close to about 100 hits a day, say. And that was,</p> <p>20 like, July -- June, July and August.</p> <p>21 Q Has it decreased slightly, or has it remained</p> <p>22 consistent with that over the last few months?</p> <p>23 A Well, there was a seasonal dip like usual, so</p> <p>24 it went down probably in January and February</p> <p>25 significantly. But, I mean, all areas of airport shuttle</p>

<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 transportation do.</p> <p>2 Q All right, thank you.</p> <p>3 And I'll move on to another topic now. Your</p> <p>4 lawyer was asking you questions about PNTS Exhibit 5,</p> <p>5 which I believe is Mr. Ustik's statement, is that right?</p> <p>6 A I'd have to look again here.</p> <p>7 Q Feel free to open it, of course. Yes.</p> <p>8 A Yep.</p> <p>9 Q That's Mr. Ustik's. And it notes he's with the</p> <p>10 New England Transportation Group, is that right?</p> <p>11 A That's correct.</p> <p>12 Q And when you were talking with your counsel,</p> <p>13 you noted that New England Transportation Group, if I</p> <p>14 understood correctly -- correct me if I'm wrong -- is a</p> <p>15 booking service throughout the country?</p> <p>16 A They do transportation planning and booking,</p> <p>17 yes.</p> <p>18 Q But what do you understand their services to</p> <p>19 be? In Washington state?</p> <p>20 A They work with various types of transportation</p> <p>21 services throughout the United States and in Seattle.</p> <p>22 And they have worked mainly with the previous</p> <p>23 Shuttle Express company. I think it's Bayview Limo now.</p> <p>24 And they do bookings with them.</p> <p>25 And they have had a significant demand and</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 JUDGE HUGHES: Sure. Let's start there. Go</p> <p>2 ahead.</p> <p>3 ATTORNEY HOWARD: Certainly. So I just</p> <p>4 e-mailed it to your Honor and opposing counsel, and cc'd</p> <p>5 my co-counsel, Mr. Wiley.</p> <p>6 If you review this document, I'm not going to</p> <p>7 describe the contents of the document at the moment. But</p> <p>8 we -- Eagle Towncar understands New England</p> <p>9 Transportation Group to be a specific type of business.</p> <p>10 And it is being characterized in a unexpected way today</p> <p>11 as having operations in Washington state.</p> <p>12 And so I'd like to ask if that is in fact the</p> <p>13 case, because this is very relevant to -- supporting</p> <p>14 statements to support an application need to have some</p> <p>15 foundation and relevance to Washington State and the area</p> <p>16 being served.</p> <p>17 And if this is just in fact a Boston-area</p> <p>18 transportation company, then it's essentially irrelevant.</p> <p>19 And if Mr. Fricke is misrepresenting their</p> <p>20 operations, then that's very damning.</p> <p>21 JUDGE HUGHES: Didn't we stipulate to the</p> <p>22 admission of this document that you're now saying is</p> <p>23 irrelevant?</p> <p>24 ATTORNEY SO: Your Honor, I'd also like to add</p> <p>25 that supporting statements can come from any -- showing</p>
<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 increase in shared ride inquiries, but they don't -- they</p> <p>2 haven't had a shared ride company to work with so far to</p> <p>3 handle these bookings to all these different hotels and</p> <p>4 areas.</p> <p>5 Q So this Boston-area company will book</p> <p>6 transportation services for travelers in Washington</p> <p>7 State. Is that what you're saying?</p> <p>8 A Yes.</p> <p>9 ATTORNEY HOWARD: Your Honor, I would like to</p> <p>10 -- I'm going to submit that Eagle Towncar has good cause</p> <p>11 to submit a late filed exhibit right now.</p> <p>12 And I'd like to e-mail it to your Honor and</p> <p>13 opposing counsel and give everyone a minute to review it.</p> <p>14 And I can come back to this issue if necessary to -- for</p> <p>15 the efficiency of time.</p> <p>16 I recognize that this is after the deadline,</p> <p>17 but I believe I have good cause. And I'm happy to</p> <p>18 explain more.</p> <p>19 JUDGE HUGHES: Well, what a shocking</p> <p>20 end-of-the-day turn.</p> <p>21 PNTS, do you have an objection, or would you</p> <p>22 like an opportunity to review the document?</p> <p>23 ATTORNEY SO: Yeah, I would like an opportunity</p> <p>24 to review the document. But if counsel is able to</p> <p>25 explain this good cause, I'd appreciate that.</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 any public need. It's not specific to just Washington</p> <p>2 State businesses, residents, or any company's entities.</p> <p>3 So it's just -- it's to support and show the public need</p> <p>4 for the proposed scheduled service.</p> <p>5 And I would object to allowing that additional</p> <p>6 late exhibit at this time.</p> <p>7 JUDGE HUGHES: Oh, yes, Ms. Jones, I was about</p> <p>8 to ask. I see your hand up.</p> <p>9 ATTORNEY JONES: Your Honor, I'm just chiming</p> <p>10 in to say I'm -- I didn't receive the exhibit. I don't --</p> <p>11 ATTORNEY HOWARD: Oh, I apologize. I will</p> <p>12 forward that to you.</p> <p>13 ATTORNEY JONES: Thanks so much.</p> <p>14 ATTORNEY HOWARD: Sorry. Okay. Let me see.</p> <p>15 JUDGE HUGHES: You stipulated the admission of</p> <p>16 5. You're now saying -- would you like 5 stricken for</p> <p>17 the record, or you're collaterally attacking its</p> <p>18 probative value?</p> <p>19 ATTORNEY HOWARD: I'm not -- essentially I am</p> <p>20 attacking the underlying foundations of Exhibit 5 and</p> <p>21 whether this person actually has a business that does</p> <p>22 anything at all with Washington customers at any recent</p> <p>23 point.</p> <p>24 And what we heard unexpectedly from Mr. Fricke</p> <p>25 today is that this is a booking company that provides</p>

<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 services in Washington state. But that was simply not our 2 understanding.</p> <p>3 So I'd like to pose this exhibit to him and 4 perhaps Ms. -- if your Honor agrees, Ms. So could just 5 forward this to Mr. Fricke, and then I could pose 6 questions to him, a brief couple of questions to him 7 about what services this company says they offer on their 8 website.</p> <p>9 JUDGE HUGHES: Mr. Jones, have you had an 10 opportunity to look at it, or the document, and/or do you 11 have thoughts?</p> <p>12 ATTORNEY JONES: Thank you, your Honor. I'm 13 just looking at it now.</p> <p>14 JUDGE HUGHES: Very good. Take a moment. 15 I will say the underlying value of the document 16 -- it's been admitted. I don't think we're going to be 17 going towards striking, but I don't quite see the harm. 18 And will cross -- it effectively is crossing the value, 19 the probative value of this statement.</p> <p>20 And because we're focused on the public 21 interest of Washington State and the consumers of 22 Washington State, if this is an out-of-state company, 23 that would be good to know.</p> <p>24 So -- well, in any event, let's -- I'll hear 25 from staff, and I'll give PNTS another opportunity to say</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 JUDGE HUGHES: That is fair. I -- we've let a 2 lot of stuff in, but 5 isn't as self-explanatory.</p> <p>3 It could be -- I'll allow -- please forward the 4 exhibit. I'll allow for a small number of questions on 5 it with the understanding that we are going to be 6 wrapping things up.</p> <p>7 ATTORNEY HOWARD: Thank you. Thank you, your 8 Honor.</p> <p>9 JUDGE HUGHES: Because mostly I'm curious. 10 When I did see the name Northeast -- or the name did 11 throw me off when I first saw it. So if only for my own 12 curiosity, I want to know what this company -- or what 13 this group is.</p> <p>14 ATTORNEY SO: Your Honor, I have forward it to 15 Mr. Fricke.</p> <p>16 ATTORNEY HOWARD: Very good.</p> <p>17 JUDGE HUGHES: We'll wait for the pipes and 18 tubes of the Internet to --</p> <p>19 THE WITNESS: Yep, I have the document.</p> <p>20 Q (By Attorney Howard) All right. Thank you. 21 And is it open in front of you?</p> <p>22 A Yes, it is.</p> <p>23 Q Do you recognize what this document is?</p> <p>24 A It looks like a web page.</p> <p>25 Q For what company?</p>
<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 something.</p> <p>2 ATTORNEY JONES: Your Honor, can we just 3 clarify the question that's being decided now?</p> <p>4 Is the question whether to strike PNTS Exhibit 5 5 or to admit this additional late filed exhibit?</p> <p>6 JUDGE HUGHES: Fair question.</p> <p>7 I see it as admission of this exhibit.</p> <p>8 I'd be disinclined to strike 5. I don't think 9 that's been necessarily brought forward, but --</p> <p>10 ATTORNEY HOWARD: Correct, your Honor. That's 11 our position.</p> <p>12 And I would like -- I would move it into 13 evidence when I pose it to Mr. Fricke.</p> <p>14 (Overlapping speech)</p> <p>15 ATTORNEY HOWARD: Shall I ask counsel to 16 forward it, or -- I'm sorry. Are you still waiting for 17 responses from the other parties?</p> <p>18 JUDGE HUGHES: I'm just waiting for staff. I'm 19 giving her a second here.</p> <p>20 ATTORNEY HOWARD: Yeah.</p> <p>21 ATTORNEY JONES: Your Honor, the exhibit, I 22 think, has not much value. I think it's -- I mean, staff 23 doesn't object to the exhibit, but yeah, I'm not -- I 24 think we're getting pretty far afield of relevant issues 25 in this case.</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 A For New England Transportation Group.</p> <p>2 Q Is that the same company that you are offering 3 a statement from, Mr. Ustik?</p> <p>4 A Yes, it is.</p> <p>5 Q And is Mr. Landry with the GO Group also 6 affiliated with this company?</p> <p>7 A Yes, they are associated, the GO Group and New 8 England Transportation Group. I believe the New England 9 Transportation Group is their corporate name, similarly, 10 how like, you know, ours is Pacific Northwest 11 Transportation, or like Uber is Uber, Inc. And they 12 operate throughout the world, including Seattle, and 13 aren't necessarily stationed in Seattle or Washington 14 state.</p> <p>15 Q Okay. So it's your contention now that New 16 England Transportation Group is a shared ride service?</p> <p>17 A That is one of their services that they provide 18 in New England in the Boston area. That's part of their 19 company, yes.</p> <p>20 Q Okay. Well, since the witness has indicated 21 familiarity with this, and this describes the operations 22 of two of his supporting statement witnesses who are in 23 the industry, I would move to admit this as highly 24 relevant evidence because it goes to the foundation of 25 those witnesses' knowledge and what they actually do or</p>

<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 do not do at all in Washington state.</p> <p>2 And then I'll ask him a brief question about</p> <p>3 it. Or two.</p> <p>4 JUDGE HUGHES: PNTS?</p> <p>5 ATTORNEY SO: Your Honor, I'm not sure where</p> <p>6 Eagle Towncar counsel is going with this. But again,</p> <p>7 it's -- there's no specific WAC that requires the</p> <p>8 supporting statements to be from anywhere in particular.</p> <p>9 As long as it's showing that there is a need in</p> <p>10 Washington state, then I think it's applicable.</p> <p>11 But I think it's fine. If Eagle Towncar</p> <p>12 counsel wants to ask Mr. Fricke about New England</p> <p>13 Transportation Group services, he doesn't work for them.</p> <p>14 JUDGE HUGHES: Well, that's fair. I agree that</p> <p>15 the question of relative weight is open, but I don't see</p> <p>16 a reason to exclude this, just so we can have the fullest</p> <p>17 possible record, so I can go back to the lab and write an</p> <p>18 order.</p> <p>19 So I will admit this exhibit. Someone remind</p> <p>20 me what number we'd be on.</p> <p>21 ATTORNEY HOWARD: Well, we had left place</p> <p>22 markers for the numbering of our cross exhibits, but this</p> <p>23 would be -- this would be our last cross exhibit.</p> <p>24 So if they were numbered consecutively, it</p> <p>25 would be 11. JF-11-7X.</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 screenshot of a website, and that's as valuable as</p> <p>2 screenshot websites can be.</p> <p>3 I will note PNTS had a screenshot of a website</p> <p>4 to establish the 2021 use of the name.</p> <p>5 But, Mr. Howard, can you please ask a less</p> <p>6 leading question, I suppose?</p> <p>7 Can you rephrase your question?</p> <p>8 Q (By Attorney Howard) Mr. Fricke, what does</p> <p>9 this -- when you take a moment to review this web page,</p> <p>10 does this describe any Washington area booking activities</p> <p>11 as you claimed in your direct.</p> <p>12 A Not on --</p> <p>13 ATTORNEY SO: Objection, your Honor. Just --</p> <p>14 ATTORNEY HOWARD: We're talking about how he's</p> <p>15 making something up.</p> <p>16 THE WITNESS: Are you accusing me of --</p> <p>17 ATTORNEY SO: You should be asking --</p> <p>18 THE WITNESS: -- something?</p> <p>19 ATTORNEY SO: Your Honor, the support statement</p> <p>20 was submitted by Mark Ustik, which is part of this</p> <p>21 company. I guess any questions, our client -- I don't</p> <p>22 know what Mr. Howard is accusing my client of, but it</p> <p>23 seems extremely improper. It's a support statement that</p> <p>24 was submitted. And --</p> <p>25 JUDGE HUGHES: Well, I have to evaluate, you</p>
<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 JUDGE HUGHES: Okay. We will label this --</p> <p>2 ATTORNEY HOWARD: Sorry, I said. I said 7x. I</p> <p>3 meant CX.</p> <p>4 JUDGE HUGHES: Cross. Okay.</p> <p>5 (Exhibit JF-11-CX admitted)</p> <p>6 Q (By Attorney Howard) All right. So,</p> <p>7 Mr. Fricke, looking at Exhibit JF-11-CX, can you tell me</p> <p>8 where this shows that this company has to do with</p> <p>9 Washington state?</p> <p>10 ATTORNEY SO: Objection, your Honor.</p> <p>11 JUDGE HUGHES: (Audio interference) --</p> <p>12 objection?</p> <p>13 ATTORNEY SO: Sorry. It just seems improper</p> <p>14 that he's asking based on just one screenshot of a web</p> <p>15 page; that it's not conclusive, I guess, as to whether or</p> <p>16 not the company does business in Washington.</p> <p>17 ATTORNEY HOWARD: I think she can redirect.</p> <p>18 But from, you know -- I mean, this is what this</p> <p>19 company says their services are on their own website.</p> <p>20 And he has portrayed this as a national booking</p> <p>21 company.</p> <p>22 And he also tried to mention it as a shared</p> <p>23 ride service, but it's a limo company in Boston. It has</p> <p>24 nothing to do with Washington.</p> <p>25 JUDGE HUGHES: I hear your point that it is a</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 know, what strength to give the support statement,</p> <p>2 obviously, like, at some point, right?</p> <p>3 ATTORNEY SO: Right.</p> <p>4 JUDGE HUGHES: So there's -- it has a value.</p> <p>5 Its value is something that will be determined. I'm not</p> <p>6 sure if --</p> <p>7 ATTORNEY SO: Shouldn't those questions go to</p> <p>8 the actual person who works there, as opposed to</p> <p>9 Mr. Fricke?</p> <p>10 JUDGE HUGHES: Well, Mr. Fricke has testified</p> <p>11 about -- you had him testify about the support statement.</p> <p>12 So I am curious who these people are. We heard</p> <p>13 from Visit Bellevue and various people.</p> <p>14 So the -- I don't know if this person's not</p> <p>15 available to testify today, the person who wrote the</p> <p>16 support statement. Like, could we direct questions to</p> <p>17 him right now?</p> <p>18 ATTORNEY SO: I don't know, your Honor. I'd</p> <p>19 have to check with my client. And I'm sure he would have</p> <p>20 to check with them and their availability.</p> <p>21 JUDGE HUGHES: Right.</p> <p>22 ATTORNEY SO: We did not have them on the</p> <p>23 witness list.</p> <p>24 JUDGE HUGHES: Right. So that's fair enough.</p> <p>25 I'd ask that your client answer the questions to the best</p>

<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 of his ability, understanding that whatever Mr. Howard</p> <p>2 may be getting at is not going to be accepted as true</p> <p>3 just because he asked a leading question. So the --</p> <p>4 ATTORNEY SO: Thank you, your Honor.</p> <p>5 JUDGE HUGHES: All right. So we'll get to the</p> <p>6 end of this. Again, I don't -- if I rely on it in an</p> <p>7 improper way in my order, there are processes for you all</p> <p>8 to flag that to either reconsider or clarify.</p> <p>9 But at the end of the day, I have a pretty good</p> <p>10 idea who Visit Bellevue is. And so I don't see an issue</p> <p>11 with learning maybe a little bit more about those who</p> <p>12 have offered their support. So if you don't know, say</p> <p>13 so.</p> <p>14 But let's proceed.</p> <p>15 And Mr. Howard, zealous representation is</p> <p>16 great, but let's have some decorum on the -- I'm not</p> <p>17 going to have to say more on that.</p> <p>18 Okay. So let's proceed.</p> <p>19 ATTORNEY HOWARD: Right. So, your Honor, I</p> <p>20 will just try to repose that question just so I have it,</p> <p>21 because it's been objected to each time.</p> <p>22 Q (By Attorney Howard) Mr. Fricke, when you look</p> <p>23 at what's been marked at JF-11-CX, does this indicate</p> <p>24 Washington area booking services for travelers?</p> <p>25 A This specific webpage indicates service of New</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 says from John Fricke.</p> <p>2 Q (By Attorney Howard) Yes. Could you -- could</p> <p>3 you -- and so is that your e-mail and -- that you wrote</p> <p>4 there?</p> <p>5 A Yes, it is.</p> <p>6 Q Who did you write that to?</p> <p>7 A To my counsel.</p> <p>8 Q And what are -- what is the body text of your</p> <p>9 e-mail there?</p> <p>10 Could you read that?</p> <p>11 A Please find the first e-mail correspondence</p> <p>12 below between our company and Visit Bellevue. This</p> <p>13 message establishes on October 24, 2024, that Premier</p> <p>14 Airport shuttle was using the term Bellevue Airport</p> <p>15 Shuttle to markets to potential customers.</p> <p>16 Q So what did your lawyer say in response to</p> <p>17 that?</p> <p>18 ATTORNEY SO: Objection, your Honor.</p> <p>19 Attorney-client privileged information.</p> <p>20 ATTORNEY HOWARD: Your Honor, they provided a</p> <p>21 communication from the client to his attorney arguing</p> <p>22 about the facts of the case, seeking legal advice, it</p> <p>23 appears.</p> <p>24 They've waived their privilege. And they</p> <p>25 provided this as an exhibit. This is the first part of</p>
<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 England area. But that's just one aspect of their</p> <p>2 business.</p> <p>3 Q Would it be fair to say, then, that the answer</p> <p>4 to my question is no?</p> <p>5 A This webpage does not display anything about</p> <p>6 Washington business.</p> <p>7 Q All right. Thank you.</p> <p>8 In your -- Ms. So was asking you about your</p> <p>9 company's revenue, and you noted -- you know, actually,</p> <p>10 I'm going to move on from that.</p> <p>11 Could we turn to Exhibit PNTS-11?</p> <p>12 Let me know when you have that.</p> <p>13 A Yep.</p> <p>14 Q All right. And what is -- what is the top</p> <p>15 e-mail on this page?</p> <p>16 Who is this from?</p> <p>17 A It looks like there's a page that's upside down</p> <p>18 here. This is PNTS-11?</p> <p>19 ATTORNEY HOWARD: Yes, PNTS-11. It should be</p> <p>20 an e-mail chain already in evidence.</p> <p>21 JUDGE HUGHES: I will note it. It is upside</p> <p>22 down, or it was scanned upside down. So you have to</p> <p>23 right click, rotate it, twice unless you can read upside</p> <p>24 down, which I can't. So.</p> <p>25 THE WITNESS: Okay, this first e-mail, the top</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 their own exhibit. They waived their privilege.</p> <p>2 THE WITNESS: Is there something I'm supposed</p> <p>3 to be reading from this e-mail?</p> <p>4 JUDGE HUGHES: This one's for me. So take a</p> <p>5 second there.</p> <p>6 That is an interesting claim because waiver is</p> <p>7 a fairly serious thing. Let's go through it.</p> <p>8 Mr. Howard, what advice is being solicited from</p> <p>9 this e-mail?</p> <p>10 ATTORNEY HOWARD: The trade name, this e-mail</p> <p>11 was sent on January 17. The trade name controversy</p> <p>12 between the two companies was well underway at that time.</p> <p>13 And PNTS has continued to maintain in this</p> <p>14 proceeding that -- apparently that it has some sort of</p> <p>15 right to continue using this trade name. And it's</p> <p>16 continued using it, even though it was awarded to Eagle</p> <p>17 Towncar by the commission.</p> <p>18 So I'm curious if why -- what the basis is for</p> <p>19 their continued use of this trade name. And because</p> <p>20 they've waived the privilege, I just wanted to pose a</p> <p>21 question about it.</p> <p>22 JUDGE HUGHES: Let's focus on the waiver issue,</p> <p>23 because that's the legal issue here, right?</p> <p>24 So to waive a privilege, there needs to be a</p> <p>25 privilege. So I asked what the advice was, and I believe</p>

<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 you brought up the context of this dispute.</p> <p>2 And I could see an argument for this being</p> <p>3 potentially covered by work product. But I'm fairly</p> <p>4 certain under Washington state law, there does need to be</p> <p>5 a request for advice.</p> <p>6 The privilege does not cover all</p> <p>7 communications. It covers those seeking legal advice.</p> <p>8 So they have chosen to share this exhibit,</p> <p>9 which maybe they could have withheld as work product if</p> <p>10 it had been subject to a subpoena.</p> <p>11 But I don't see how you can solicit the advice,</p> <p>12 the response from the attorney, from this being in</p> <p>13 evidence.</p> <p>14 ATTORNEY HOWARD: All right, I'll withdraw the</p> <p>15 question, your Honor.</p> <p>16 JUDGE HUGHES: Very good.</p> <p>17 Q (By Attorney Howard) Moving on, could you turn</p> <p>18 to PNTS-12? PNTS-12, and then page 3 of that exhibit.</p> <p>19 Perhaps -- actually, I apologize. I'm looking</p> <p>20 at PNTS-11, and it's page 3 of PNTS-11. So we were -- I</p> <p>21 believe we were already on that.</p> <p>22 A PNTS-11, page 3?</p> <p>23 Q Yes.</p> <p>24 A Okay.</p> <p>25 Q All right. And if you look at just the very</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 serve our visitors, residents and workforce.</p> <p>2 Did I read that correctly?</p> <p>3 A I'm sorry, what page was that? I -- I</p> <p>4 didn't...</p> <p>5 Q Page 3.</p> <p>6 A Oh, back to page 3. Okay.</p> <p>7 Yeah. All right.</p> <p>8 Q Okay. Third paragraph, page 3, last sentence.</p> <p>9 Do you want me to read it again?</p> <p>10 A Yes, please.</p> <p>11 Q All right. So last sentence of paragraph 3, it</p> <p>12 says -- I'll quote -- With no luck, after years of</p> <p>13 conversations, we elected to partner with Eagle</p> <p>14 Transportation and develop a focused service for Bellevue</p> <p>15 Airport Shuttle with designated pickup areas and focus to</p> <p>16 serve our visitors, residents and workforce.</p> <p>17 Did I read that correctly?</p> <p>18 A Yes, you read that section correctly.</p> <p>19 Q All right. Thank you.</p> <p>20 Let's go to PNTS-12. And I believe we're at</p> <p>21 page 4 of PNTS-12, and this is already in evidence.</p> <p>22 A You said PNTS-12?</p> <p>23 Q Yes, let me -- okay. I'm not sure why I wrote</p> <p>24 that in my notes. I believe -- no, no. I apologize.</p> <p>25 It's PNTS-11, and it's page 4 of that. So</p>
<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 bottom of the preceding page 2 on this, does this appear</p> <p>2 to indicate who this e-mail is from?</p> <p>3 A Which page?</p> <p>4 Q The very bottom of page 2 leading to page 3.</p> <p>5 It appears to be one e-mail that starts at the very</p> <p>6 bottom of page 2, indicating who wrote it.</p> <p>7 A Okay, so you want me to look at page 2, not</p> <p>8 page 3?</p> <p>9 Q Just the very bottom of page 2 where it says</p> <p>10 who wrote the e-mail on page 3.</p> <p>11 A Page 2, October 23, 2024, 12:07 p.m., Brad</p> <p>12 Jones.</p> <p>13 Q Yes. So would it -- would you understand this</p> <p>14 is Brad Jones' e-mail following?</p> <p>15 A Yes.</p> <p>16 Q And do you know who -- what his job is?</p> <p>17 A I believe he's the director of Visit Bellevue.</p> <p>18 Q All right. Thank you.</p> <p>19 So looking again at page 3 here, the third</p> <p>20 paragraph, I'm going to read the last sentence. And you</p> <p>21 tell me if I read it right.</p> <p>22 Quote, With no luck, after years of</p> <p>23 conversations, we elected to partner with Eagle</p> <p>24 Transportation and develop a focused service for Bellevue</p> <p>25 Airport Shuttle with designated pickup areas and focus to</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 PNTS-11, page 4. And this is in evidence. It appears to</p> <p>2 be part of your company's webpage. Let me know when you</p> <p>3 get there.</p> <p>4 A Okay. Page 4, you said?</p> <p>5 Q Yes.</p> <p>6 A Wait. You said back on PNTS-11, or PNTS-12?</p> <p>7 Q PNTS-11. Sorry.</p> <p>8 A Oh.</p> <p>9 Q Page 4.</p> <p>10 A All right. What was your question?</p> <p>11 Q I didn't pose it yet, but we're looking at the</p> <p>12 gray box, kind of in the -- close to the middle of the</p> <p>13 page here: SeaTac Airport Shuttle with limited stops.</p> <p>14 Do you see that?</p> <p>15 A Yes, I do.</p> <p>16 Q Okay. The third sentence of text in this body</p> <p>17 paragraph here that starts with the words, "Our airport</p> <p>18 shuttle," do you see that?</p> <p>19 "Our airport shuttle makes a limited number of</p> <p>20 stops." Do you see that?</p> <p>21 A Oh, right after it says "including Bellevue,</p> <p>22 Redmond and Kirkland," that part?</p> <p>23 Q Yes.</p> <p>24 A Okay.</p> <p>25 Q All right. So I'll read the sentence, and let</p>

<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 me know if I read it correctly.</p> <p>2 "Our airport shuttle makes a limited number of</p> <p>3 stops routed for no more than the number of separate</p> <p>4 bench seats available in the van, usually two or three."</p> <p>5 Did I read that right?</p> <p>6 A Yes, you did.</p> <p>7 Q All right. Thank you.</p> <p>8 I'd like to move on to the remaining cross</p> <p>9 exhibits that are not yet in evidence for Eagle Towncar,</p> <p>10 starting with Capital -- with PNTS's Better Business</p> <p>11 profile. Could you bring that up?</p> <p>12 ATTORNEY SO: Your Honor, this is one of the</p> <p>13 exhibits that I was objecting to earlier.</p> <p>14 JUDGE HUGHES: Yes, I believe Mr. Howard will</p> <p>15 lay foundation and then move to admit, and at which point</p> <p>16 we can hear objections. Yes? Okay.</p> <p>17 THE WITNESS: Sorry. What was the exhibit?</p> <p>18 Q (By Attorney Howard) It is one of your -- the</p> <p>19 cross exhibits designated for you. And we used</p> <p>20 placeholders instead of numbers when we filed them. But</p> <p>21 it is --</p> <p>22 A What's the title?</p> <p>23 Q -- Pacific Northwest Trans Services,</p> <p>24 Incorporated, Capital Aeroporter Business Profile</p> <p>25 available at BetterBusinessBureau.org.</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 JUDGE HUGHES: Mr. Howard?</p> <p>2 ATTORNEY HOWARD: The fact that they're not</p> <p>3 accredited through the Better Business Bureau is not</p> <p>4 necessarily a central issue, just one of other -- one of</p> <p>5 several things suggesting that, you know.</p> <p>6 And Eagle Towncar is an accredited Better</p> <p>7 Business Bureau business.</p> <p>8 So I think that's just another relevant factor</p> <p>9 for the commission to consider, given all the other facts</p> <p>10 in this case, that that's all we're -- that's -- it's</p> <p>11 just a -- Better Business Bureau is a well-recognized</p> <p>12 third party, and their accreditation involves some sort</p> <p>13 of transparency measures around how they interact with</p> <p>14 their customers.</p> <p>15 JUDGE HUGHES: And so just for clarity of the</p> <p>16 record, which prong of the application test that we're</p> <p>17 looking at today would we say that goes towards?</p> <p>18 ATTORNEY HOWARD: Well, I think that the</p> <p>19 quality of service issue is always relevant in these</p> <p>20 proceedings.</p> <p>21 Given that broad standard I was citing earlier,</p> <p>22 and also the language to the satisfaction of the</p> <p>23 commission, I think all these issues are relevant.</p> <p>24 I would just suggest this is one piece of</p> <p>25 evidence among others.</p>
<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 A Okay. The one entitled JF-XX-CX-PNTS BBB</p> <p>2 Profile?</p> <p>3 Q Yes.</p> <p>4 A Okay. That's the title that I see.</p> <p>5 Q Do you have that open?</p> <p>6 A I do.</p> <p>7 Q Okay. Do you recognize this?</p> <p>8 A What? I don't understand. Do I recognize that</p> <p>9 it is a printout from BBB?</p> <p>10 Yes, it looks like a printout from BBB, Better</p> <p>11 Business Bureau.</p> <p>12 Q What company is -- does this appear to be for?</p> <p>13 A Business profile, airport transportation,</p> <p>14 Capital Aeroporter.</p> <p>15 Q Does this describe your company?</p> <p>16 A That was the name that -- the DBA that our</p> <p>17 company operated under for -- the primary DBA that we</p> <p>18 operated under for many years, since 1973.</p> <p>19 Q Okay. Do you have a different Better Business</p> <p>20 profile that I'm not providing to you right now?</p> <p>21 A I'm not sure. I don't believe so.</p> <p>22 ATTORNEY HOWARD: Okay. I would move this into</p> <p>23 evidence as this company's Better Business profile.</p> <p>24 ATTORNEY SO: Objection, your Honor.</p> <p>25 Relevance.</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 JUDGE HUGHES: Okay. I'm going to overrule the</p> <p>2 objection on relevance.</p> <p>3 But again, relevance will go towards the weight</p> <p>4 assigned to it.</p> <p>5 So this is -- we're going to admit this as --</p> <p>6 sorry. If you can help me with the numbering, I would</p> <p>7 appreciate that. What would this be?</p> <p>8 ATTORNEY SO: Your Honor, can I have an</p> <p>9 opportunity to respond to Mr. Howard's --</p> <p>10 JUDGE HUGHES: Yes.</p> <p>11 ATTORNEY SO: -- laying the foundation. I just</p> <p>12 -- whether or not one -- an entity is accredited with the</p> <p>13 BBB has no relation to the quality of service provides.</p> <p>14 I believe Mr. Mintay earlier testified that his</p> <p>15 -- he's been in business -- Eagle Towncar has been in</p> <p>16 business since 2011. And he only just accredited Eagle</p> <p>17 Towncar with the BBB a month or two ago, something along</p> <p>18 those lines.</p> <p>19 So it's -- there's no probative value admitting</p> <p>20 this evidence. And I ask you to reconsider my objection.</p> <p>21 JUDGE HUGHES: Very good. I am going to let it</p> <p>22 in. I'm not -- I agree that it's perhaps low probative</p> <p>23 value, but I don't think it's of no probative value.</p> <p>24 And given the relatively loose standards for</p> <p>25 evidence that we use here and my desire for us to</p>

<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 conclude, we're going to admit this into evidence because</p> <p>2 I just -- I just don't see it as prejudicial at the end</p> <p>3 of the day.</p> <p>4 (Exhibit JX-5-CX admitted)</p> <p>5 ATTORNEY HOWARD: All right. Thank you, your</p> <p>6 Honor.</p> <p>7 Q (By Attorney Howard) And Mr. Fricke, looking</p> <p>8 at this exhibit -- and I believe this would be numbered</p> <p>9 JF-5-CX in sequential order for your cross exhibits.</p> <p>10 Does this show that your company is not accredited with</p> <p>11 the BBB?</p> <p>12 A This says this business is not BBB accredited.</p> <p>13 Q All right. Thank you.</p> <p>14 Moving on, I'd like to move to the Yelp review</p> <p>15 exhibits, which I would have numbered JF-6-CX through</p> <p>16 JF-10-CX.</p> <p>17 ATTORNEY HOWARD: And your Honor, I want to</p> <p>18 balance efficiency here with giving the witness a chance</p> <p>19 to look through these things. But I don't think it's</p> <p>20 necessary -- necessarily needed for us to go through</p> <p>21 these one at a time.</p> <p>22 But I'll proceed through this how you want, but</p> <p>23 Mr. Fricke -- I'm sorry. Go ahead.</p> <p>24 JUDGE HUGHES: No, that's fair.</p> <p>25 PNTS, does Mr. Howard need to lay foundation</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 reviews?</p> <p>2 ATTORNEY HOWARD: That is correct, your Honor.</p> <p>3 We just printed out the one-star reviews under both</p> <p>4 profiles that were both claimed by this company, as we</p> <p>5 understand.</p> <p>6 And I would -- you know, I would still</p> <p>7 establish that they are claimed, and they're not</p> <p>8 disputing that someone else claimed them.</p> <p>9 And these were on our exhibit list. I'm not</p> <p>10 trying to pretend that they didn't get good reviews as</p> <p>11 well. We're just -- we're facing filings from this</p> <p>12 company. Of course we're going to focus on the ones that</p> <p>13 call their service into question.</p> <p>14 Generally, we would say the commission cannot</p> <p>15 close its eyes to poor customer service.</p> <p>16 But specifically, a number of these reviews</p> <p>17 call into question some of the advertising from this</p> <p>18 company that they make only two or three more stops after</p> <p>19 they pick you up. It calls into question their forecast</p> <p>20 is based on only three passengers in a van.</p> <p>21 ATTORNEY SO: Your Honor, objection. He's</p> <p>22 providing testimony as to the reviews.</p> <p>23 ATTORNEY HOWARD: -- arguing about relevance.</p> <p>24 JUDGE HUGHES: We don't have a jury, so I'm</p> <p>25 able to parse what he's offering versus evidence. So I'm</p>
<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 for this, or I suppose we can go right into whatever the</p> <p>2 actual objection is, or --</p> <p>3 ATTORNEY SO: Yeah, that's fine with me, your</p> <p>4 Honor. Yeah.</p> <p>5 JUDGE HUGHES: You'll stipulate to --</p> <p>6 (Audio interference)</p> <p>7 ATTORNEY SO: Sorry. What did you say?</p> <p>8 JUDGE HUGHES: Would you stipulate to the --</p> <p>9 that there's a foundation to raise these things and just</p> <p>10 go to your objection as to -- could you clarify the</p> <p>11 nature of your objection, I suppose, to see if we need to</p> <p>12 go through these one by one?</p> <p>13 ATTORNEY SO: Yeah. Objection as to relevance</p> <p>14 to the issues that are before the Court.</p> <p>15 It's not regarding the proposed scheduled</p> <p>16 service, as that application has not been approved.</p> <p>17 And the reviews are hearsay.</p> <p>18 It's also incomplete and improper character</p> <p>19 evidence in terms of it's not -- it's only the one-star</p> <p>20 reviews. It doesn't provide the two-, three-, four-,</p> <p>21 five-star reviews. They're selected.</p> <p>22 And so we just ask that all of the one-star</p> <p>23 reviews, that these exhibits not be admitted.</p> <p>24 JUDGE HUGHES: Is that accurate, that these</p> <p>25 aren't all -- all of the reviews, they're just the worst</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 not -- I'm not taking what he's saying as true, but I'm</p> <p>2 trying to see what the roadmap here is.</p> <p>3 So, Mr. Howard, I heard you. You believe it</p> <p>4 ties in directly to their application insofar as it goes</p> <p>5 towards their service, the level of service?</p> <p>6 ATTORNEY HOWARD: Yes.</p> <p>7 JUDGE HUGHES: Okay. We're here to talk about</p> <p>8 scheduled passenger service?</p> <p>9 ATTORNEY HOWARD: Yes. Yes, your Honor.</p> <p>10 (Overlapping speech)</p> <p>11 ATTORNEY HOWARD: So I would acknowledge -- I</p> <p>12 would acknowledge that, you know, to the extent that</p> <p>13 these -- any of these reviews are about scheduled</p> <p>14 service, they would have to ostensibly be about scheduled</p> <p>15 routes that this company has already been operating.</p> <p>16 Or perhaps they are door-to-door service. I</p> <p>17 think to the extent a customer's complaining about</p> <p>18 door-to-door service, that would be perhaps less</p> <p>19 relevant.</p> <p>20 But still, where the advertising we just</p> <p>21 pointed to a moment ago, I believe, just referred to an</p> <p>22 airport shuttle generally, which is not a defined term</p> <p>23 and could -- it's just a layperson term. And that could</p> <p>24 ostensibly mean either scheduled or door-to-door.</p> <p>25 You know, I think the commission can recognize</p>

<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 the reality of customer reviews on the internet without 2 being unduly swayed by them.</p> <p>3 But part of our point here, too, your Honor, is 4 that the company has claimed two different profiles on 5 Yelp.</p> <p>6 And at the very least, we would ask that you 7 admit JF-6-CX and JF-8-CX because that at least shows 8 that the company has claimed two different Yelp profiles.</p> <p>9 And if your Honor does not want to admit 7, 9, 10 and 10 because they're just more one-star reviews, then 11 that would be our in the alternative position.</p> <p>12 JUDGE HUGHES: But these reviews, I think we've 13 established in this case that they haven't done the 14 scheduled service that they're looking to expand to here, 15 right?</p> <p>16 So I'm just questioning the value if these are 17 -- these are door-to-door. And if you can't tell me 18 which service they are, how I go about assigning value or 19 not assigning value?</p> <p>20 These are just reviews of the company, which 21 offers many services.</p> <p>22 ATTORNEY HOWARD: Yes, your Honor, but many of 23 these comments here are discussing the Aeroporter service 24 specifically, and customers' dissatisfaction.</p> <p>25 And if we -- one looks through some of these</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 again with relevancy going towards the weight assigned to 2 them.</p> <p>3 We have two authorities, and -- going for the 4 same route, effectively. And so this is just one more 5 grain of sand on the scales. But I don't see a good 6 reason to exclude it.</p> <p>7 And obviously, there is a -- when you only sort 8 by the one-stars, there is some level of bias. But I 9 believe I can work through that. One-star reviews are 10 always -- well, I won't get into my philosophy of hotel 11 bookings. (Audio interference) -- afield.</p> <p>12 So I'll be allowing -- admitting them into 13 evidence.</p> <p>14 And then you're right on the numbers. It's -- 15 I want to say -- is it 6, 6 through 10?</p> <p>16 ATTORNEY HOWARD: 6 through 10, your Honor, 17 yes. JF-6 through 10-CX.</p> <p>18 (Exhibits JF-6-CX through 10-CX admitted)</p> <p>19 ATTORNEY HOWARD: And your Honor, with those -- 20 with those admitted, and it being approaching the end of 21 the day, I will just rest at this time.</p> <p>22 I don't have any more cross questions. Let me 23 say that more precisely.</p> <p>24 JUDGE HUGHES: Yes, it's been -- it's been a 25 journey.</p>
<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 comments and sees people describing missed flights, rude 2 customer service, and many other issues, and more stops 3 than anticipated, we would just submit this is relevant. 4 This is relevant, among other things.</p> <p>5 This industry is about customer service, and it 6 works with people focused on customer service. It's very 7 relevant.</p> <p>8 But at the very least, we question why one 9 company would claim two different Yelp profiles when 10 there are significant negative reviews on both. It would 11 seem to be diluting their reviews or spreading them.</p> <p>12 JUDGE HUGHES: That seems a little afield.</p> <p>13 Staff, do you have any thoughts here?</p> <p>14 ATTORNEY JONES: There does seem to be some -- 15 some relevance to the reviews.</p> <p>16 I don't know how much weight the commission 17 should give them, given that they're anonymous internet 18 reviews. These aren't the folks who've written written 19 statements and submitted those that -- such as that have 20 already been admitted, and/or anyone that's actually here 21 to testify before the commission.</p> <p>22 So I would not suggest that they should be 23 given great weight. But staff is not objecting to their 24 admission.</p> <p>25 JUDGE HUGHES: Okay. I'm going to admit them,</p>	<p>CROSS-EXAMINATION OF FRICKE BY HOWARD</p> <p>1 I believe -- staff, do you have any cross?</p> <p>2 ATTORNEY JONES: Nothing further. We already 3 asked some cross questions. Thank you.</p> <p>4 JUDGE HUGHES: I'm losing track of time. My 5 bad. Thank you.</p> <p>6 Okay, you are excused. Thank you for joining 7 us.</p> <p>8 We'll be calling, I believe, the next witness 9 now, which is Alex Schenkar. So if you could please turn 10 your -- I see your camera's on. I see you are unmuted.</p> <p>11 THE WITNESS: Yes, sir, your Honor. Thank you 12 for having me.</p> <p>13 JUDGE HUGHES: So let's do the hand up, right 14 hand. Do you swear under penalty of perjury that the 15 testimony you offer is the truth, the whole truth, and 16 nothing but the truth?</p> <p>17 THE WITNESS: I do.</p> <p>18 JUDGE HUGHES: Thank you.</p> <p>19 Please proceed.</p> <p>20</p> <p>21 ALEX SCHENKAR, witness herein, having been first 22 duly sworn on oath, was examined 23 and testified as follows: 24 25</p>

<p>DIRECT EXAMINATION OF SCHENKAR BY SO</p> <p>1 DIRECT EXAMINATION</p> <p>2 BY ATTORNEY SO:</p> <p>3 Q Hi, Mr. Alex Schenkar. Thank you for joining</p> <p>4 us today.</p> <p>5 A Thank you.</p> <p>6 Q Could you please provide your address and phone</p> <p>7 number for the record?</p> <p>8 A 2845 Northwest Golden Drive, Seattle,</p> <p>9 Washington, 98117, 206.799.6223.</p> <p>10 JUDGE HUGHES: Could you slow down just a</p> <p>11 little bit, just for the recorder, actually.</p> <p>12 THE WITNESS: 2845 Northwest Golden Drive,</p> <p>13 Seattle, Washington, 98117, 206.799.6223.</p> <p>14 Q (By Attorney So) Thank you.</p> <p>15 Is that address your current address or your</p> <p>16 company address?</p> <p>17 A That's my current address. The company address</p> <p>18 is separate, which is located in Seattle.</p> <p>19 Q You can go ahead and just tell me briefly about</p> <p>20 your company.</p> <p>21 A I'm the principal and president of an</p> <p>22 international construction development company. We build</p> <p>23 custom homes in the state of Washington, as well as</p> <p>24 custom homes and hotels throughout the world in different</p> <p>25 countries, specifically in South America.</p>	<p>DIRECT EXAMINATION OF SCHENKAR BY SO</p> <p>1 they need reliable transportation services to and from</p> <p>2 that area and to the various hotels.</p> <p>3 So that's key to and fundamental to me being</p> <p>4 able to work with my clientele and have my colleagues and</p> <p>5 associates and experts come in and out of town, so that</p> <p>6 we can do business.</p> <p>7 Q All right. And so is it correct to say that</p> <p>8 you support Premier Airport Shuttle's application for</p> <p>9 their scheduled services between SeaTac Airport and the</p> <p>10 hotels in Bellevue, Redmond, and Kirkland?</p> <p>11 A That's true. Correct.</p> <p>12 Q And can you tell me a little bit more about</p> <p>13 your experience riding and using PNTS's shuttle services?</p> <p>14 A The shuttle for us has always been on time.</p> <p>15 They've been very courteous.</p> <p>16 Logistics is the business that I'm in. So, you</p> <p>17 know, being on time and being able to provide this</p> <p>18 service is pretty instrumental to my clientele being able</p> <p>19 to come back and forth and do business.</p> <p>20 It's always been a great experience. They've</p> <p>21 got great staff. And they've always had this premium,</p> <p>22 like, door-to-door service which is very applicable to</p> <p>23 the clientele that I use and many of my colleagues use.</p> <p>24 Q And do you appreciate their every-30-minute</p> <p>25 service?</p>
<p>DIRECT EXAMINATION OF SCHENKAR BY SO</p> <p>1 We provide design, architecture, engineering,</p> <p>2 permit facilitation, and general contracting services for</p> <p>3 any number of luxury buildings and hotels.</p> <p>4 Q And what's your relationship with PNTS, also</p> <p>5 Premier Airport Shuttle?</p> <p>6 A I started using Capital Aeroporter about ten</p> <p>7 years ago, when it was a van service; searched online for</p> <p>8 Seattle Airport Shuttle, and selected the private van</p> <p>9 option.</p> <p>10 We have clientele, colleagues, people coming</p> <p>11 into town to look at our product, to potentially purchase</p> <p>12 land, and/or have development. So they need</p> <p>13 transportation. And it seemed like a good fit, and has</p> <p>14 been since.</p> <p>15 Q Right. So you've been using them since ten</p> <p>16 years ago and currently still use them?</p> <p>17 A Correct.</p> <p>18 Q And do you believe there's a need for their</p> <p>19 proposed schedule services in Bellevue?</p> <p>20 A I do, specifically because my clientele and a</p> <p>21 number of my colleagues' clientele use Bellevue,</p> <p>22 Kirkland, Redmond, the entire Eastside as a hub for</p> <p>23 construction.</p> <p>24 We have a lot of colleagues and clientele that</p> <p>25 come in from Seattle-Tacoma International Airport, and</p>	<p>DIRECT EXAMINATION OF SCHENKAR BY SO</p> <p>1 Is that convenient for you and your clientele?</p> <p>2 A Absolutely. My clientele needs to move quickly</p> <p>3 and efficiently, and from time to time they need to go</p> <p>4 immediately. So 30-minute increments seems very normal.</p> <p>5 I've been to a lot of airports all over the</p> <p>6 world, and 30 minutes is a pretty standard time frame for</p> <p>7 a shuttle to pick up and drop off. So it makes perfect</p> <p>8 sense for that time frame to work.</p> <p>9 Q Is there anything else that you like about what</p> <p>10 Premier Airport Shuttle, also PNTS, offers in their</p> <p>11 shuttling services?</p> <p>12 A I think the safety aspect is important to me.</p> <p>13 They have a fantastic product in the sense that</p> <p>14 they're using Mercedes Sprinter vans. They're very</p> <p>15 clean. That style of transportation is very popular. It</p> <p>16 is a different kind of product than, you know, one of --</p> <p>17 you know, some of the other providers.</p> <p>18 So I prefer that product, and I think it -- you</p> <p>19 know, my clients and my colleagues appreciate kind of the</p> <p>20 perception of that in terms of quality, and they</p> <p>21 appreciate that specifically in the product.</p> <p>22 Q Have you or your clientele used their</p> <p>23 geotracking services available?</p> <p>24 And you know what I mean by the geotracking</p> <p>25 services?</p>

<p>DIRECT EXAMINATION OF SCHENKAR BY SO</p> <p>1 A Like GPS?</p> <p>2 Q Right, where you can track where the driver is</p> <p>3 or the shuttle is that you're going to ride?</p> <p>4 A Yeah, absolutely. The tracking is very</p> <p>5 convenient, especially when somebody's running late and</p> <p>6 we need to know where the van is, how long it's going to</p> <p>7 take to get there. I mean, everybody uses their iPhone,</p> <p>8 smartphone, so that seems to be very applicable.</p> <p>9 And, you know, we have GPS on a lot of our</p> <p>10 vehicles. So that it makes a lot of sense that we can</p> <p>11 figure out where they are and know, you know, when the</p> <p>12 arrival and the pickup's going to be. That makes -- it</p> <p>13 makes perfect sense to me.</p> <p>14 Q Thank you. Excuse me; I'm sorry.</p> <p>15 Any other features you like about riding with</p> <p>16 Premier Airport Shuttle that you haven't explained to us</p> <p>17 already?</p> <p>18 A I mean, above and beyond. Some transportation</p> <p>19 companies don't drop off right outside the ticket counter</p> <p>20 at departures, and I think that's really helpful.</p> <p>21 They also have their own kiosk. People can get</p> <p>22 off. I can tell them, hey -- or, you know, my people can</p> <p>23 tell them to go meet at the kiosk, which is easily</p> <p>24 accessible. I think there's someone there to greet them.</p> <p>25 And that kind of -- I think that's very applicable to</p>	<p>CROSS-EXAMINATION OF SCHENKAR BY HOWARD</p> <p>1 ATTORNEY JONES: Staff has no questions for</p> <p>2 Mr. Schenkar. Thank you.</p> <p>3 ATTORNEY HOWARD: Very good. Any redirect?</p> <p>4 ATTORNEY SO: (Audio interference) your Honor.</p> <p>5 JUDGE HUGHES: No? Okay.</p> <p>6 I have no questions. So you are excused,</p> <p>7 Mr. Schenkar. Thank you for your time.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 JUDGE HUGHES: Okay. Is that the end of your</p> <p>10 witness list?</p> <p>11 Does PNTS rest its case?</p> <p>12 ATTORNEY SO: Yes, your Honor.</p> <p>13 JUDGE HUGHES: Very good. Okay.</p> <p>14 We will be moving on to closing statements.</p> <p>15 And we're going to close on time. So I want to</p> <p>16 say thanks to everybody for getting there.</p> <p>17 It's been a longer day. The brief in BAP, bit</p> <p>18 of a misnomer sometimes.</p> <p>19 But all right. Let's start with -- you know</p> <p>20 what, let's end with staff. I like hearing from you guys</p> <p>21 a lot. Let's do Eagle Towncar first, then PNTS, and then</p> <p>22 staff.</p> <p>23 Okay. So the floor is yours.</p> <p>24</p> <p>25</p>
<p>CROSS-EXAMINATION OF SCHENKAR BY HOWARD</p> <p>1 transportation and logistics, because it's easy to find.</p> <p>2 It's located there in the kiosk, and they can, you know,</p> <p>3 jump in the van and be on their way.</p> <p>4 ATTORNEY SO: Thank you so much for your time.</p> <p>5 I have no further questions for you.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 JUDGE HUGHES: Any cross, Eagle Towncar?</p> <p>8 ATTORNEY HOWARD: Maybe just a question or two.</p> <p>9</p> <p>10 CROSS-EXAMINATION</p> <p>11 BY ATTORNEY HOWARD:</p> <p>12 Q Good afternoon, Mr. Schenkar.</p> <p>13 Have you ever socialized with Jonathan Fricke</p> <p>14 or any of the other Frickes outside of work?</p> <p>15 A Jonathan Fricke was an associate, friend of</p> <p>16 mine. We went to high school a long time ago -- I think</p> <p>17 that was 30 years ago - in Olympia. That's an</p> <p>18 Olympia-based business, I believe.</p> <p>19 Q What school did you go to?</p> <p>20 A Capital.</p> <p>21 Q And you both went to Capital?</p> <p>22 A Yes.</p> <p>23 ATTORNEY HOWARD: All right. No further</p> <p>24 questions.</p> <p>25 JUDGE HUGHES: Staff?</p>	<p>CLOSING STATEMENT BY PROTESTANT</p> <p>1 CLOSING STATEMENT BY PROTESTANT</p> <p>2 ATTORNEY HOWARD: Thank you, your Honor. I'll</p> <p>3 try to keep this straightforward.</p> <p>4 You've heard -- we would argue you've heard</p> <p>5 compelling support today from Eagle Towncar's supporting</p> <p>6 witnesses, from Visit Bellevue and from Kristin Kosmata</p> <p>7 with Hyatt, about how these people are -- really enjoy</p> <p>8 working with Eagle Towncar. And they trust this company,</p> <p>9 and they enjoy his professionalism and his courteous</p> <p>10 demeanor and how his company runs.</p> <p>11 And it's a small company that Mr. Selewondim is</p> <p>12 starting. And this new scheduled service route reflects</p> <p>13 his hard work and his close knowledge of the Bellevue</p> <p>14 area.</p> <p>15 Staff finds Eagle Towncar's permanent</p> <p>16 application satisfactory.</p> <p>17 And PNTS, as we've discussed today, does not</p> <p>18 have standing to object to the application in TC-240856.</p> <p>19 When we consider whether the commission should</p> <p>20 grant PNTS's application and the three routes that</p> <p>21 they're requesting today, we would argue that there are</p> <p>22 some basic reasons why we should not allow them to</p> <p>23 overlap.</p> <p>24 We have not really heard any persuasive</p> <p>25 evidence today, we would argue, showing that there are</p>

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1 enough customers for two companies. The hotels and Visit
2 Bellevue have denied that that's the case. And we
3 haven't heard any persuasive testimony to the contrary.

4 We have their exhibit regarding the
5 comprehensive plan update, which is a 20-year projection,
6 and I believe your Honor admitted that. And we would
7 argue that should bear very little weight because it's a
8 projection.

9 Light rail's coming next year to Bellevue.
10 What the population looks like 20 years from now, 10
11 years from now, 5 years from now doesn't justify
12 overlapping Mr. Selewondim's route and destroying his
13 business in favor of a larger, more established company.

14 We would also argue the commission should not
15 give PNTS a pass for not really being more proactive --
16 i'm trying to be as generous as possible -- not being
17 more proactive with Visit Bellevue. And clearly, they're
18 not considered a preferred partner in that area, and that
19 should be relevant for the commission.

20 We would also argue that granting overlapping
21 would be just inequitable in any sense, in any commonly
22 used sense of the term, in that it would allow this
23 established company to profit from the hard work of
24 Mr. Selewondim, who is a first generation immigrant, who
25 spent years working up to this scheduled service and

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1 proposing in Kirkland or the route they're proposing in
2 Redmond.

3 If you compare that to what Mr. Selewondim has
4 done, Mr. Selewondim can point to the written customer
5 statement from each hotel on the route he has created and
6 the regional organization supporting him, making for
7 compelling support.

8 And we would -- and we would just argue in
9 regards to PNTS's customer statements that there's no
10 logical ties between their customer statements and the
11 routes they're proposing.

12 They've submitted a statement from a dentist's
13 office. It just doesn't seem plausible that a dentist's
14 office would involve large amounts of travel.

15 And I think we've had some questions, at least,
16 some questions about how the New England Transportation
17 Group has been portrayed, and when it appears to be just
18 a Boston-area company that might not have any operations
19 in Washington.

20 So we argue that approving such routes, which
21 -- and by the way, we've heard from Patrick Remfrey today
22 that the specific stops weren't even added until later.
23 They weren't developed until later.

24 Approving such routes like the Kirkland and
25 Redmond routes would encourage pure gamesmanship because

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1 establishing this route.

2 And it would -- granting overlapping would
3 effectively make these hotels work with someone who is
4 not their preferred partner. And that should be very
5 problematic, considering this is a hospitality industry.
6 And we've heard again and again today how important
7 customer service is in that industry.

8 Okay. Moving to the Kirkland/Redmond routes
9 briefly, we would argue that the commission should
10 certainly not approve these routes.

11 We've heard some persuasive testimony from
12 Mr. Selewondim today, based on his on-the-ground
13 experience for years being a driver in this area, about
14 how some of the stops here don't really make sense and
15 there isn't that much customer need. They're picking
16 hotels like boutique hotels and other things that don't
17 really have the volume.

18 And we would argue that these routes are in
19 fact hollow proposals, likely representing a mere
20 litigation tactic.

21 The customer statements that PNTS has supplied
22 are from a Boston-area company and from apparently his
23 friend from high school, and from a couple travelers who
24 use the door-to-door service. That doesn't establish
25 that there's any actual need for the route they're

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1 auto transportation companies could propose several
2 routes, or at least a few in a filing, without going
3 through all the hard work Mr. Selewondim has done
4 establishing support for all the steps in the route, and
5 then file that -- those proposals with the commission and
6 then obtain territorial rights vis-a-vis other companies
7 based on those filings.

8 And that's what we are fighting today, is
9 essentially a quickly slapped together filing that isn't
10 really -- isn't really developed on the ground or
11 supported by actual community need. But still, we're
12 fighting the idea that PNTS will get a territorial right
13 going into the future based on such a hollow filing.

14 And finally, you've probably heard enough
15 controversy and clamor from me today, but I do believe
16 that we have an issue with unsupported filings with PNTS.
17 We have the exhibit, for your convenience, of the order
18 in TC-181008, which just shows that this company has over
19 the years levied these objections, even though it clearly
20 does not provide the same service.

21 And we've also seen the trade name issue, that
22 even though Eagle Towncar obtained this -- obtained the
23 certificate -- sorry. Even though Eagle Towncar obtained
24 this trade name on its certificate in this proceeding
25 today, PNTS is still appearing to justify its continued

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1 use of the name Bellevue Airport Shuttle.
2 And we've even -- they're even doing that even
3 though Visit Bellevue finds that somewhat troubling
4 themselves. And it would also appear inconsistent with a
5 commission WAC.
6 And we also have their unsupported motion to
7 dismiss.
8 And they've sketched out proposals without
9 meaningful support.
10 These are getting into unfair practices and
11 deceptive practices that could very well justify
12 investigation by the commission leading to the suspension
13 of their certificate -- I don't say that lightly --
14 because they are diverting Mr. Selewondim's internet
15 traffic by using his trade name, diverting customers to
16 what is now currently a dead end in their booking system,
17 when Mr. Selewondim should be able to transparently
18 advertise under the trade name awarded by the commission.
19 And for all these reasons, we urge you to
20 approve Eagle Towncar's permanent application, and to
21 deny PNTS's application for extension of authority.
22 Thank you.
23 JUDGE HUGHES: Thank you, Eagle Towncar. We
24 will move to PNTS next.
25 ATTORNEY SO: Thank you, your Honor.

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1 Furthermore, you know, there was no slapping
2 together an application and it's a hollow application.
3 As shown through the exhibits provided, PNTS has been
4 advertising and doing Bellevue airport shuttle services
5 since 2021. They do door-to-door services. They have
6 been actively providing services in that area. And to
7 advertise that, there's nothing wrong doing that in 2021
8 when no one, no other other company, was doing it.
9 Eagle Towncar only was given permission to use
10 the trade name a few months ago. So I don't understand
11 why they're claiming that PNTS is performing any
12 deceptive business practices.
13 They're advertising what services they do
14 offer, which is in Bellevue, and so they're advertising
15 that on their website.
16 Furthermore, the evidence presented today shows
17 that although there is a subarea of territory that is
18 overlapping with Eagle Towncar's application, the
19 scheduled service proposed by PNTS is distinctly
20 different.
21 I ask you to consider the evidence provided
22 that shows that PNTS offers 30-minute pickups every hour,
23 unlike Eagle Towncar's just once an hour. They have a
24 few more hotels listed in Bellevue where that's included
25 in their route.

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1 CLOSING STATEMENT BY APPLICANT
2 ATTORNEY SO: There's a lot to address here. I
3 think we heard, and it's in the record today, that Visit
4 Bellevue partners with Eagle Towncar and sponsors Eagle
5 Towncar; and that they have a stake in seeing that --
6 seeing Eagle Towncar's application be approved and go
7 through; and that they have significantly helped Eagle
8 Towncar with, you know, establishing the route and
9 promoting its business. And so I ask that you, you know,
10 consider that when you are viewing the applications as
11 well.
12 All of the supporting statements provided by
13 PNTS are valid. They show that there is a public need in
14 Bellevue, Redmond, and Kirkland areas. Whether or not
15 the company resides outside of Washington, there's plenty
16 of companies that still do business in other states, and
17 that was PNTS's ability to show that they do know people
18 and clientele and customers that need services in those
19 specific hotel locations in their proposed scheduled
20 service areas. That is their business decision. That is
21 not, you know, anything for the commission to decide.
22 As long as there are supporting statements
23 provided in their application to show that there is a
24 need, I think that is what is required for the
25 application to proceed.

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1 Also, they have the ability to use alternative
2 routes and adjust their routes according to the traffic
3 and congestion at the time. So they're not relegated to
4 just 405, using 405.
5 And pursuant to WAC 480-30-140(2)(f), the
6 commission views the routes very narrowly for purposes of
7 determining whether services is the same or not.
8 Alternative routes that may run parallel to objecting
9 companies' routes, but which have a convenience benefit
10 to customers, can be considered separate and different
11 service.
12 And as you've heard from Mr. Schenkar, that he
13 appreciates the ability for Eagle Towncar -- or PNTS to
14 get to the airport most efficiently, have the ability to
15 use these different routes as opposed to just going down
16 405.
17 And so in view of PNTS's application, I urge
18 you to consider the differences that this record
19 includes. The type, means, and method proposed by PNTS
20 are different in many ways from Eagle Towncar's services
21 as detailed above. The two companies do not provide the
22 same service.
23 And also, the evidence of increased population
24 in Bellevue and the surrounding areas with the increase
25 of more passengers arriving to SeaTac Airport clearly

<p>CLOSING STATEMENT BY APPLICANT</p> <p>1 indicate that additional transportation services are 2 warranted.</p> <p>3 Also, I also want to emphasize that because 4 this is -- PNTS's application is subject to Eagle 5 Towncar's objection, this should be governed by WAC 6 480-30-116(3), which is adjudication of applications 7 subject to an objection. And that's controlling.</p> <p>8 So, from prior orders from the commission, it's 9 been ruled that all three elements must be present in the 10 positive, affirmative, that -- before application can be 11 denied.</p> <p>12 And those three elements are that the objecting 13 company has to hold a certificate to provide the same 14 service in the same territory; and whether the objecting 15 company provides the same service.</p> <p>16 And the third element is whether an objecting 17 company will provide the same service to the satisfaction 18 of the commission.</p> <p>19 And so, your Honor, I ask you to take those 20 into consideration -- and thank you for your time, 21 everyone -- and ask you to respectfully grant PNTS's 22 application.</p> <p>23 Thank you.</p> <p>24 JUDGE HUGHES: Thank you, Counselor.</p> <p>25 Ms. Jones, can you bring us home here?</p>	<p>CLOSING STATEMENT BY STAFF</p> <p>1 overlapping locations in Bellevue, with PNTS also 2 requesting a broader area for its service.</p> <p>3 So in this matter, the commission must 4 determine whether Eagle Towncar is in fact providing the 5 same service to those Bellevue locations, and whether it 6 is doing so to the satisfaction of the commission.</p> <p>7 The commission also has discretion under 8 WAC 480-30-131 to determine whether the non-overlapping 9 locations may be appropriately severed and to decide 10 those locations separately from the overlapping portions.</p> <p>11 If the commission does overrule Eagle Towncar's 12 application, the commission would then have the two 13 applications before it, one for each company. And the 14 commission should apply the legal standard in 15 RCW 81-68-040. And the statute states that an auto 16 transportation company shall not operate without first 17 having obtained from the commission a certificate 18 declaring that the public convenience and necessity 19 require such operation.</p> <p>20 And then pursuant to Commission Rule 21 WAC 480-30-126, a person applying for a certificate to 22 provide auto transportation service must have the 23 knowledge, experience, and resources to conduct the 24 proposed services; and the applicant must be fit, 25 willing, and able to comply with all applicable laws.</p>
<p>CLOSING STATEMENT BY STAFF</p> <p>1 ATTORNEY JONES: Yes, your Honor. Thank you. 2 I do have a brief closing statement on behalf of 3 commission staff.</p> <p>4</p> <p>5 CLOSING STATEMENT BY STAFF</p> <p>6 ATTORNEY JONES: Consistent with staff's 7 traditional posture in these types of cases in which 8 staff does not pick sides in protested auto 9 transportation applications, staff will not be providing 10 a recommendation on various legal issues. But I'll go 11 ahead and set them forth.</p> <p>12 Before the commission today are Eagle Towncar's 13 application for permanent authority and PNTS's 14 application for extension of its authority, and has been 15 discussed at length.</p> <p>16 Eagle Towncar has filed an objection to PNTS's 17 application based on their assertion that they currently 18 provide the same service to the satisfaction of the 19 commission.</p> <p>20 And counsel for PNTS has already laid out the 21 legal standard that applies that the commission looks at 22 to evaluate objections, the three prongs of that test. 23 So I won't repeat that.</p> <p>24 I'll just note that it's plain from testimony 25 that the companies are seeking to provide service to</p>	<p>CLOSING STATEMENT BY STAFF</p> <p>1 Staff has testified today that both companies' 2 applications meet the commission's standards.</p> <p>3 After listening to the testimony today, staff's 4 assessment of Eagle Towncar's application remains the 5 same.</p> <p>6 However, staff's evaluation of PNTS's 7 application has changed slightly after hearing the 8 testimony. It was brought to staff's attention during 9 the hearing today that PNTS's proposed tariff and 10 certificate actually included the trade name Bellevue 11 Airport Shuttle. Staff missed this detail.</p> <p>12 I would submit, and as PNTS has testified, that 13 PNTS has never actually applied for nor been approved by 14 the commission to use this trade name for any 15 commission-regulated service. So it would not be proper 16 for the commission to approve the tariff and certificate 17 using that trade name.</p> <p>18 But assuming a corrected application on behalf 19 of PNTS correcting that issue of that trade name being 20 improperly included, it would be for the commission to 21 determine whether the public convenience and necessity 22 requires the service -- the services of one or both of 23 these companies.</p> <p>24 Public convenience and necessity is defined in 25 the commission's rules. And that's in WAC 480-30-140.</p>

<p>CLOSING STATEMENT BY STAFF</p> <p>1 It means that every member of the public should be</p> <p>2 reasonably afforded the opportunity to receive auto</p> <p>3 transportation services from a company that's</p> <p>4 certificated by the commission.</p> <p>5 And the WAC lists a variety of factors that the</p> <p>6 commission can consider, including the differences in</p> <p>7 operation, price, market features, and other</p> <p>8 characteristics. And the commission has received</p> <p>9 evidence on several of these points today.</p> <p>10 So in summary, the legal issues before the</p> <p>11 commission are whether Eagle Towncar provides the same</p> <p>12 service as proposed by PNTS, and whether Eagle Towncar is</p> <p>13 providing that service to the satisfaction of the</p> <p>14 commission.</p> <p>15 And should the commission overrule Eagle</p> <p>16 Towncar's objection, the commission must then decide</p> <p>17 whether these companies are fit to provide service and</p> <p>18 whether the public convenience and necessity require</p> <p>19 either or both of these companies to provide the service</p> <p>20 that they propose in their application.</p> <p>21 This concludes staff's closing statement.</p> <p>22 Thank you.</p> <p>23 JUDGE HUGHES: Thank you. That was well done.</p> <p>24 That should make a really nice transcript for citations.</p> <p>25 Very good.</p>	<p>CLOSING DISCUSSION</p> <p>1 And I will start with staff.</p> <p>2 ATTORNEY JONES: That's no objection from</p> <p>3 staff.</p> <p>4 JUDGE HUGHES: PNTS?</p> <p>5 ATTORNEY SO: No objection, your Honor.</p> <p>6 But I would like to add that after staff has</p> <p>7 provided their closing argument and noted that they would</p> <p>8 like PNTS to resubmit the application removing the DBA</p> <p>9 name, we will be doing that promptly.</p> <p>10 JUDGE HUGHES: Very good.</p> <p>11 Eagle Towncar, any objection to the extension</p> <p>12 of the deadline?</p> <p>13 ATTORNEY HOWARD: No objection, your Honor.</p> <p>14 JUDGE HUGHES: Very good. So we will not be</p> <p>15 expecting it in ten days, but maybe a little bit after</p> <p>16 that, depending on how my other matters go.</p> <p>17 Okay. Any questions or anything else that</p> <p>18 needs to be addressed?</p> <p>19 ATTORNEY HOWARD: Nothing from Eagle Towncar,</p> <p>20 your Honor.</p> <p>21 ATTORNEY JONES: Nothing from staff, your</p> <p>22 Honor. Thank you.</p> <p>23 ATTORNEY SO: Nothing from PNTS. Thank you,</p> <p>24 your Honor.</p> <p>25 JUDGE HUGHES: Very good.</p>
<p>CLOSING DISCUSSION</p> <p>1 CLOSING DISCUSSION</p> <p>2 JUDGE HUGHES: So that brings us to the end of</p> <p>3 the schedule roadmap that I've laid out.</p> <p>4 Are there any housekeeping matters that need to</p> <p>5 be addressed before we go off the record?</p> <p>6 ATTORNEY HOWARD: Your Honor, from Eagle</p> <p>7 Towncar's perspective, we just wanted to note at the end</p> <p>8 of the hearing today that as we understand, 180 days</p> <p>9 under our company's temporary certificate would end on</p> <p>10 May 26 of this year. And the rule does allow for</p> <p>11 extending that, depending on when things are filed.</p> <p>12 But in case we fall under the 180-day deadline,</p> <p>13 it would appear to fall on the 26th. And we, if the</p> <p>14 order was -- we have not seen the order by then, perhaps</p> <p>15 we'd reach out just because of that concern.</p> <p>16 JUDGE HUGHES: Okay. That's fair.</p> <p>17 I suppose relatedly, I'm -- I would request</p> <p>18 that the parties waive the ten-day order requirement. I</p> <p>19 would like the benefit of this transcript in however many</p> <p>20 volumes it appears when writing my decision, but we</p> <p>21 usually don't get those -- we don't get those within the</p> <p>22 five -- the ten days.</p> <p>23 So I would hope to be able to issue a decision</p> <p>24 within five days of receipt of the transcript. I just</p> <p>25 want to ask if the parties were okay with that.</p>	<p>CLOSING DISCUSSION</p> <p>1 Okay. I will take all of this under advisement.</p> <p>2 I'm not going to issue a decision today, but I will take</p> <p>3 it under advisement and write an order and issue a</p> <p>4 decision accordingly.</p> <p>5 I'd like to thank all the parties. This was</p> <p>6 one of my more lively adjudications. So it's been an</p> <p>7 interesting day. But look, we got there with 14 minutes</p> <p>8 to spare.</p> <p>9 So, yeah, thank you to the parties, the</p> <p>10 witnesses, the representatives. I think we have built an</p> <p>11 encompassing record.</p> <p>12 So let's end with that. We are adjourned.</p> <p>13 Thank you. We are off the record.</p> <p>14 (Proceedings concluded at 4:17 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<div>1</div> <div>2 CERTIFICATE OF REPORTER)</div> <div>3 STATE OF WASHINGTON)</div> <div>4) ss</div> <div>5 COUNTY OF KING)</div> <div>6</div> <div>7 I, Elizabeth Patterson Harvey, a Certified</div> <div>8 Court Reporter and Registered Professional Reporter</div> <div>9 within and for the State of Washington, do hereby</div> <div>10 certify under penalty of perjury that the foregoing legal</div> <div>11 recordings were transcribed under my direction; that I</div> <div>12 received the electronic recording in the proprietary</div> <div>13 format; that I am not a relative or employee of any</div> <div>14 attorney or counsel employed by the parties hereto, nor</div> <div>15 financially interested in its outcome.</div> <div>16 IN WITNESS WHEREOF, I have hereunto set my</div> <div>17 hand this 20th day of May, 2025.</div> <div>18</div> <div>19 <i>Elizabeth Patterson Harvey</i></div> <div>20 Elizabeth Patterson Harvey</div> <div>21 CCR 2731</div> <div>22 Certified Court Reporter in</div> <div>23 The State of Washington</div> <div>24</div> <div>25</div>	

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