

Williams, Kastner & Gibbs PLLC

A NORTHWEST LAW FIRM

David W. Wiley
Attorney at Law
(206) 233-2895
dwiley@wkg.com

February 17, 2005

80070.0100

Ms. Carole J. Washburn
WUTC Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504

Re: In re the matter of the Application of Bertin Koala d/b/a Green Ride Transportation,
Docket No. TC-041820; Application D-079313

Dear Ms. Washburn:

Enclosed for filing this date, please find an original and twelve (12) copies of Lake Stevens Airporter, Inc.'s Protest to Green Ride Transportation's auto transportation certificate application. A copy of the Protest of Lake Stevens Airporter, Inc. is being served on the Applicant today as indicated by the Certificate of Service. An additional copy is attached for you to conform and return in the enclosed self-addressed, stamped envelope provided.

Please contact me if you have further questions on this matter.

Yours truly,

WILLIAMS, KASTNER & GIBBS PLLC



David W. Wiley

DAV:ks
Enclosures

cc: Bertin Koala, Green Ride Transportation
Lake Stevens Airporter, Inc.

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OFFICE OF THE
CLERK OF THE
SUPERIOR COURT

BEFORE THE WASHINGTON STATE UTILITIES AND
TRANSPORTATION COMMISSION

In re the Application No. D-079313 of

BERTIN KOALA, d/b/a GREEN RIDE
TRANSPORTATION, P.O. Box 25607, Seattle,
WA 98125

DOCKET NO. TC-041820

PROTEST OF LAKE STEVENS
AIRPORTER, INC. TO AUTO
TRANSPORTATION APPLICATION

COMES NOW Lake Stevens Airporter, Inc. by and through its attorney, David W. Wiley of WILLIAMS, KASTNER & GIBBS PLLC, and respectfully protests the granting of the territory requested in the above-captioned application as set forth below.

1. Name and address of Protestant:

Lake Stevens Airporter, Inc.
P.O. Box 602
Lake Stevens, WA 98258
Attn: Bill Baker

Represented by:

David W. Wiley
Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, WA 98101
dwiley@wkg.com

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STATE UTILITIES
COMM

PROTEST OF LAKE STEVENS AIRPORTER, INC. TO AUTO
TRANSPORTATION APPLICATION - 1

Williams, Kastner & Gibbs PLLC
Two Union Square, Suite 4100 (98101-2380)
Mail Address: P.O. Box 21926
Seattle, Washington 98111-3926
(206) 628-6600

2. Legislation/Regulation brought into issue by this pleading:

RCW Ch.. 81.68, WAC Chs. 480-07 and WAC 480-30, et seq.

3. Protestant's interest in this proceeding:

(a) Protestant holds Certificate of Public Convenience and Necessity C-001048, a copy of which is attached hereto as Exhibit A. As evidenced by this certificate, Protestant currently holds authority partially in conflict with the applied-for authority.

(b) Protestant possesses equipment, applicable tariffs and other operational infrastructure to operate in the portion of the authority sought between Snohomish County and Seattle-Tacoma International Airport. The referenced territory constitutes "territory already served" under RCW 81.68 and there is no showing by this application that there is any need for additional authorized service.

(c) Protestant's authority is legally effective and Protestant is ready, willing and able to provide a portion of the service sought by Application D-079313 to the satisfaction of the Commission, and believes the current certificated service fully serves the public convenience and necessity. In addition, Lake Stevens Airporter alleges that the application should be denied because Applicant cannot prove that it is fit, willing and able to provide the requested service and/or that it can demonstrate the public convenience and necessity requires the grant of the application or that the application is otherwise consistent with the public interest.

(d) Protestant believes and therefore alleges that the Applicant is not qualified to receive an auto transportation certificate and cannot meet the threshold requirements of Ch. 81.68 RCW, and the rules and regulations of this Commission thereunder. Protestant denies each and

every material allegation and/or statement of fact contained in the application and requests that the Applicant be required to submit strict proof in support thereof and to produce competent witnesses at a hearing for cross-examination on all material and relevant facts bearing on the application and protest.

4. Protestant requests a hearing regarding the Application and this Protest. The Protestant intends (if required) to:

(a) Submit written testimony of the following people:

William Baker, President, Lake Stevens Airporter, Inc.

(b) Submit written argument and/or motions, if necessary.

If a hearing is held regarding the Application and this Protest, the Protestant intends to:

(c) Call the following witnesses to testify:

Mr. Baker of Lake Stevens Airporter, Inc.; and

(d) Cross-examine witnesses called by other parties, if needed:

Protestant expects to cross-examine the applicant-principal.


5. Conclusion:

Protestant Lake Stevens Airporter, Inc., requests that the Washington Utilities and Transportation Commission deny the application of Bertin Koala, d/b/a Green Ride Transportation for an auto transportation certificate on the grounds that he is not fit, willing and able to operate in regulated service, and to the extent that the application requests service and territory now held by Protestant, alleges that there is no need for service within Lake Stevens Airporter's service territory to justify grant of the application. Alternatively, Protestant requests

that the Commission schedule a hearing on Docket No. TC-041820, and that the application be carefully evaluated before it is acted upon.

Respectfully submitted this 17 day of February, 2005

WILLIAMS, KASTNER & GIBBS PLLC

By 
David W. Wiley, WSBA #08614
Attorneys for Protestant Lake Stevens
Airporter, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Protest upon all parties of record in this proceeding by mailing a copy thereof addressed with first-class postage prepaid to the Applicant at the address indicated below:

Bertin Koala
d/b/a Green Ride Transportation
PO Box 25607
Seattle, WA 98125

DATED this 17 day of February, 2005



Kathleen Stanford

EXHIBIT A

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

For the Operation of Motor Propelled Vehicles

pursuant to the provisions of Chapter 81 RCW

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

LAKE STEVENS AIRPORTER, INC.
621 State Route 9, Ste. A19
LAKE STEVENS, WA 98258

CERT NO.
C-001048

PASSENGER AND EXPRESS SERVICE

BETWEEN: SeaTac International Airport and points in Snohomish County on and north of Highway 2 and on and east of Highway 9.

Door to door service within named territory by reservation only with closed door service from Monroe south to SeaTac International Airport. All passenger and express service to originate or terminate at SeaTac International Airport.

M. V. C. NO. 2163

11-26-97

DEC 15 '98 PM 3

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

By S. M. R.

