

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application of
SHUTTLE EXPRESS, INC.,
For Extension of Certificate No. C-975,
Shuttle Express, Inc. d/b/a Shuttle Express

Docket No. TC-091931

Permit No. C-975

DECLARATION OF BROOKS E. HARLOW
IN SUPPORT OF MOTION TO STRIKE
PROTEST, CANCEL PREHEARING
CONFERENCE, AND TERMINATE
ADJUDICATIVE PROCEEDING

1 I, Brooks E. Harlow, hereby declare as follows:

2 I am one of the attorneys for Shuttle Express, Inc. d/b/a Shuttle Express ("Shuttle")
and I make this declaration in support of the Motion To Strike Protest, Cancel Prehearing
Conference And Terminate Adjudicative Proceeding.

3 Yesterday (February 2, 2010), I personally reviewed the Commission's original file in
this matter at the Commission's Record Center. Attached hereto as Exhibit A is the only
copy of the Protest that was on file with the Commission at that time. The notation on the
copy reflects that it was filed via the web portal, but not filed by mail or hand delivery. The
Protest in the file appears to be a printout, not an original document, and was unsigned.

4 Attached hereto as Exhibit B is a "screen shot" showing the online list of documents
filed in this docket as of yesterday. The online list of documents also reflected that the
Protest was only submitted via the web portal on January 20, 2010, but not filed in hard copy
until January 27, 2010. Attached as Exhibit C is a copy of the protest the Records Center e-

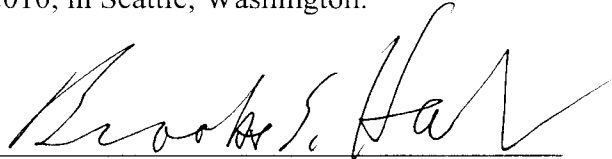
mailed to me yesterday afternoon. According to the date stamp, the hard copy was filed on January 27, 2010.

5 Attached hereto as Exhibit D is a copy of the Protest that Shuttle received in the mail along with a another document styled as a "Complaint," together with the envelope that contained the Protest and Complaint, showing the postmark date. Exhibit D was provided to me by Shuttle Express. The Complaint is dated January 25, 2010, and the postmark shows that the Protest and Complaint were also mailed on January 25, 2010.

6 I was unable to find a certificate of service of the protest anywhere in the Commission's official file.

7 I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed this 3rd day of February, 2010, in Seattle, Washington.


Brooks E. Harlow


CERTIFICATE OF SERVICE
Docket No. Docket No. TC-091931

I hereby certify that a true and correct copy of the foregoing was forwarded via electronic mail and first class mail, postage fully prepaid, in a sealed envelope, to the following:

John Solin
Mike Lauver
SeaTac Shuttle, LLC
d/b/a Whidbey Seatac Shuttle
P.O. Box 2895
Oak Harbor, WA 98277
E-mail: mike@seatacshuttle.com

John Rowley
General Manager
Shuttle Express, Inc.
800 SW 16th Street
Renton, WA 98055
jrowley@shuttleexpress.net

Dated at Seattle, Washington, this 3rd day of February, 2010



Carol Munnerlyn, Secretary

EXHIBIT A

Seatac Shuttle, LLC

dba Whidbey Seatac Shuttle

C-1077

David Danner
Executive Secretary
Washington Utilities and Transportation Commission
1300 S Evergreen Park Drive SW
Olympia, Wa 98504

January 20, 2010

Via Online to Records

Transmittal Letter

Re: DOCKET TC-091931

Dear Mr. Danner:

This Transmittal Letter accompanies our protest of Shuttle Express, Inc. application under Docket TC-091931. We filed this online today.

Thank you,

John Solin
Mike Lauver
Owners

Enc:

RECEIVED
UTILITY MANAGEMENT
2010 JAN 20 PM 3:38

Posted

RMS
email
dmh

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In re Application of
SHUTTLE EXPRESS, INC
For Extension of certificate No. C-975,
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Shuttle

Docket No. TC-091931
Permit No. C-975
PROTEST AND REQUEST FOR
ADJUDICATIVE PROCEEDING
AND HEARING OF SEATAC SHUTTLE, LLC

SeaTac Shuttle, LLC. protests the above captioned application of Shuttle Express, Inc. ("Applicant") under WAC 480-30-116. SeaTac Shuttle requests that the WUTC commence an adjudicative proceeding and set this application for hearing for the reasons identified in this protest.

SeaTac Shuttle is an auto transportation company operating under authority issued by the WUTC. See Attachment (Certificate No. C-1077). Seatac Shuttle's address is P.O. Box 2895, Oak Harbor Washington, 98055.

SeaTac Shuttle believes that a grant of Applicant's application is not in the public interest and is detrimental to public convenience and necessity as evidenced by its actions covered under WAC 480-30-241 (4)b(ii).

SeaTac Shuttle may be willing to agree to a restrictive amendment(s) that resolve the issues raised by the Applicant's application, but it is not possible to specify the exact form of that amendment at this time.

If the WUTC sets this matter for hearing, SeaTac Shuttle will appear, submit evidence and present witnesses at the hearing in support of this protest. SeaTac Shuttle's presentation should take approximately one day, although that estimate may change over the course of this proceeding. SeaTac Shuttle will represent itself in this proceeding.

DATED this 20th day of January, 2010.

SeaTac Shuttle

By: _____

John Solin

PROTEST AND REQUEST FOR ADJUDICATIVE PROCEEDING OF SEATAC SHUTTLE, LLC.

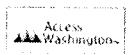
EXHIBIT B

- Docket Number
- Company
- Company D/B/A
- Industry
- Recent Orders
- Rulemakings
- Open Meetings
- Filings Open
- Filings Closed
- Filing Type
- Legal Research Tools
- Electronic Filing
- E-file Form
- Insurance
- Online Library Search

Documents > Records Center >
Docket #091931 Docket Sheets: Category Documents

[Documents](#) | [Scheduled Filings](#) | [Misc](#)

- [11/29/2010](#) Notice of Hearing Notice of Prehearing Conference (Set for March 3, 2010, at 10:00 a.m.)
- [11/27/2010](#) Note to File File cleared - protested, copies sent to ALD, AAGs, and Transportation Staff.
- [11/22/2010](#) Protest Protest on behalf of Seatac Shuttle, LLC from John Solin, (via Web Portal) (hard copy recd 1/27/2010)
- [11/22/2010](#) Transportation Docket Notice for Application 091931
- [11/17/2010](#) Initial Filing Initial filing on behalf of Shuttle Express, Inc. (scanned & posted)



[Connecticut](#) [Georgia](#) [Illinois](#) [Indiana](#) [Iowa](#) [Kansas](#) [Kentucky](#) [Louisiana](#) [Maine](#) [Maryland](#) [Massachusetts](#) [Michigan](#) [Minnesota](#) [Mississippi](#) [Missouri](#) [Montana](#) [Nebraska](#) [Nevada](#) [New Hampshire](#) [New Jersey](#) [New Mexico](#) [New York](#) [North Carolina](#) [North Dakota](#) [Ohio](#) [Oklahoma](#) [Oregon](#) [Pennsylvania](#) [Rhode Island](#) [South Carolina](#) [South Dakota](#) [Tennessee](#) [Texas](#) [Utah](#) [Virginia](#) [Washington](#) [West Virginia](#) [Wisconsin](#) [Wyoming](#)

EXHIBIT C

Seatac Shuttle, LLC

dba **Whidbey Seatac Shuttle**
C-1077

David Danner
Executive Secretary
Washington Utilities and Transportation Commission
1300 S Evergreen Park Drive SW
Olympia, Wa 98504

January 20, 2010

Via Online to Records

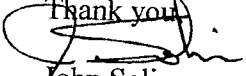
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Thank you


John Solin
Mike Lauver
Owners

Enc:

2010 JAN 27 AM 8:28
RECEIVED
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

2010 JAN 27 AM 8:28

Hard Copy

RMS SE

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application of
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For Extension of certificate No. C-975,
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Shuttle

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Permit No. C-975
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ADJUDICATIVE PROCEEDING
AND HEARING OF SEATAC SHUTTLE, LLC

RECEIVED
2010 JAN 27 AM 8:28
STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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DATED this 20th day of January, 2010.

SeaTac Shuttle

By: 

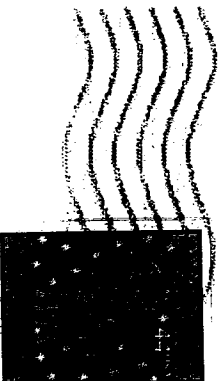
John Solin

PROTEST AND REQUEST FOR ADJUDICATIVE PROCEEDING OF SEATAC SHUTTLE, LLC.

EXHIBIT D

Whidbey-Seatac Shuttle
PO Box 2895
Oak Harbor, WA 98277

EVERETT WA 982
25 JAN 2010 PM 3 T



JAN 26 2010 1:05 pm

Received by: *Katung Cooper*
receptionist

³
Rosanne Palatasi
Admin. Assis.

Shuttle Express, Inc.
800 SW 16th ST
Renton, WA 98057

9805732635

|||||

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application of
SHUTTLE EXPRESS, INC
For Extension of certificate No. C-975,
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DATED this 20th day of January, 2010.

SeaTac Shuttle

By: 

John Solin

PROTEST AND REQUEST FOR ADJUDICATIVE PROCEEDING OF SEATAC SHUTTLE, LLC.

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

FORMAL COMPLAINT OF

SEATAC SHUTTLE, LLC C-1077

ALLEGING VIOLATIONS OF RULE BY

Shuttle Express, Inc. d/b/a Shuttle Express
Shuttle C-975

REQUEST FOR INVESTIGATION

AND SANCTIONS AND PENALTIES

This Formal Complaint is filed under RCW 81.04.110 and WAC 480-07-370(1)a and WAC 480-07-910(5)

ADDRESSES:

Seatac Shuttle, LLC address is:

Seatac Shuttle, LLC
PO Box 2895
Oak Harbor, WA 98277

Shuttle Express, Inc. address is:

Shuttle Express, Inc
800 SW 16th ST
Renton, WA 98057

COMPLAINT:

SeaTac Shuttle, LLC. (Seatac) alleges and believes that Shuttle Express, Inc. d/b/a Shuttle Express C-975 (Express) has committed and continues to commit violations of certain rules of the Revised Code of Washington and of the Utilities and Transportation Commission. These violations are with the specific knowledge of the rules on the part of Express and in disregard for same.

To wit: Including but not limited to;

RCW 81.68.020; 040

WAC 480-30-186; 231; 271; 276; 286; 356; 386

Seatac believes that these alleged violations demonstrate a determined course of action by Express over the course of ten years or more to evade and ignore the rule of law and the Commission to the detriment of the public and other compliant operators regulated by the WUTC. Express is the largest

shuttle operator regulated by the WUTC and has been in business in excess of fifteen years. During that time it has claimed knowledge of RCW and WAC as it applies to transportation and has signed documents to that effect and filed them with the WUTC. It has a large management staff dedicated to compliance and public interface but has and continues to ignore the rules.

Express has for more than ten years been operating vehicles not permitted to be operated by it under its authority. At recent hearing (Doc. TC-090118) this operating violation was pointed out to Express and the Commission. Express now seeks; some six months later, to have the Commission sanction its violations by asking that its authority be modified more than a decade after the fact (Doc. TC-091931).

In addition, Express has abandoned its authority under its certificate relating to Whidbey Island and other areas. It sought and was granted Authority "within a twenty-five mile radius of Paine Field" (C-975) with no intention of servicing that area that lies in Island County, Washington. Express, since that grant of authority, has never served Island County and does not do so now. This abandonment has lasted for more than ten years. A review of Certificate C-975 and the associated tariff will further reveal a pattern of claiming territory which Express does not serve. This pattern of territorial expansion with no service denies the public access to transportation and excludes other operators from serving those territories.

PRAYER FOR RELIEF:

Seatac requests that the Commission open an investigation into the practices of Express with particular regard to the above mentioned alleged violations and that sanctions and penalties according to RCW and WAC should be applied in the fullest. If the largest and one of the oldest auto transportation providers (Express) may ignore the Commission and its regulations then other operators will find it convenient to ignore the rules and regulations to the further detriment of the public.

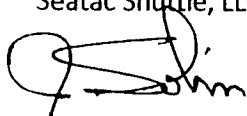
SPECIFIC ACTION:

Seatac requests that the Commission enforce its regulations; with specific emphasis on those cited and those sanctions and penalties provided for under but not limited to WAC 480-30-171; 241; 411 be applied. Do to the long term on-going nature of its practices further education and staff guidance are not appropriate. In light of the long term disregard for the rules we request that WAC 480-30-241(4)(b)(i)(ii)(iii) be invoked. If however, the certificate is not revoked then because of the abandonment of its currently certificated but un-served territory in Island County that that authority be removed from its certificate along with any other areas identified by the Commission as not being served or abandoned by Express.

Submitted this 25th Day of January, 2010

By

Seatac Shuttle, LLC C-1077



John Solin

President