

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application TC-111306 of)	DOCKET TC-111306
)	
MILLER SCHMER, INC., d/b/a)	
SEATTLE EXPRESS)	
)	
For Extension of Authority under)	NOTICE OF PREHEARING
Certificate No. C-1052, For a)	CONFERENCE
Certificate of Public Convenience and)	(Set for November 22, 2011,
Necessity to Operate Motor Vehicles in)	at 1:00 p.m.)
Furnishing Passenger and Express)	
Service as an Auto Transportation)	
Company)	
)	
.....)	

1 On July 20, 2011, Miller Schmer, Inc., d/b/a Seattle Express (Seattle Express or Applicant), filed with the Washington Utilities and Transportation Commission (Commission) an application for an extension of Certificate No. C-1052 for a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company (Application). Notice of the Application was published in the Commission’s weekly Docket of August 2, 2011.

2 The Applicant requests its existing authority be revised to include passenger service between cruise line terminals 66 and 91 and the Sea-Tac Airport.

3 On August 31, 2011, Shuttle Express, Inc., d/b/a Shuttle Express, filed a protest to the Application.

4 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate persons seeking to furnish auto transportation services under RCW 81.68 and WAC 480-30. The statutes that apply to this matter include RCW 80.01, RCW 81.04, RCW 81.28, and RCW 81.68, including but not limited to RCW 80.01.040, RCW 81.04.020, RCW 81.68.030 and

RCW 81.68.040. The rules that apply to this matter include those within WAC 480-30 and WAC 480-07.

5 **ISSUES.** The issues in this proceeding include whether modifying the existing Seattle Express authority, for the service it proposes, is necessary and is otherwise consistent with the public interest, and whether other carriers authorized to serve in the requested territory do not or will not provide this service to the satisfaction of the Commission. In addition, the Commission will consider whether to consolidate this proceeding with Dockets TC-111446¹ and TC-111643² and/or with Docket TC-111619.³

6 **THE COMMISSION GIVES NOTICE That the Commission will hold a prehearing conference in this matter at 1:00 p.m., on November 22, 2011, in Room 108, First Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** The prehearing conference is set at the same time as the prehearing conference in Dockets TC-111446, TC-111619, and TC-111643.

7 The Commission sets a prehearing conference to discuss preliminary matters, the hearing process, and to formulate the issues. The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including hearing dates, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

8 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference.

¹ *In re Application TC-111446 of Shuttle Express, Inc. For Extension of Authority under Certificate No. C-975, For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company, Docket TC-111446.*

² *In re Application TC-111643 of Excalibur Limousine LLC d/b/a Seattle Green Limo For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company, Docket TC-111643.*

³ *In re Application TC-111619 of Pacific Northwest Transportation Services, Inc. d/b/a Capital Aeroporter; Airport Shuttle For Extension of Authority under Certificate No. C-862, For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company, Docket TC-111619.*

See WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See* WAC 480-07-345(2). Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

9 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

10 The names and mailing addresses of all known parties and their known representatives are as follows:

Applicant: Miller Schmer, Inc.
d/b/a Seattle Express
8020 180th Street SE
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(206) 793-8430
mattseattleexpress@yahoo.com

Representative: David W. Wiley
Attorney at Law
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Two Union Square
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Protestant: Shuttle Express
John Rowley, Jr.
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Representative: Brooks E. Harlow
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Commission: Washington Utilities and Transportation
Commission
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P.O. Box 47250
Olympia, WA 98504-7250

Representative: Jennifer Cameron-Rulkowski
Assistant Attorney General
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(360) 664-1186
jcameron@utc.wa.gov

- 11 Administrative Law Judge Martin Lovinger, from the Commission's Administrative Law Division, will preside during this proceeding.
- 12 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective October 26, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
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NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____