

Seatac Shuttle, LLC

February 2, 2013

Mr. David Danner
Executive Director , UTC
Olympia, WA

Via email ddanner@utc.wa.gov via Records online submission

Re: Dockets TC-130016 & TC-130102

Sir:

A state of affairs between your agency, the UTC, and this company (Seatac) has now been reduced to a level that is no longer tenable. During the past ten years Seatac has made every effort to be compliant with both the intent and the spirit of the law, rule and commission policy. A review of the record will find that at every juncture we have made a good faith effort to initiate the proper filings in the proper format within the proper time frames. Our authority is straight forward and unambiguous and crafted with the assistance and concurrence of your staff. A review of all other airporters will reveal that we have been the most active with regard to following and questioning the ever changing interpretation of rule and policy. However, with the departure of Bonnie Allen of the UTC we have experienced an ever degrading relationship with the commission and your staff. With few notable exceptions, the overriding concern of your staff has been to follow administrative minutia with no consideration given to the impact on either the public or the regulated company.

There exists a dis-connect between reality and regulation. There is no thought given to economic impact or provision of service to the public; arbitrary and inconsequential administrative issues have assumed the preeminent position in your perception of staff's job responsibility. This is contrary to the intent of the legislature and defies plain common sense. In our case we now see a concerted effort by staff to keep us from providing airporter service to Bellingham Airport (BLI) under any circumstances.

As you are well aware, Seatac filed for authority to serve the Bellingham International Airport (BLI) from Whidbey Island this past year. The application for scheduled service was processed and approved and a tariff reflecting scheduled service was approved by the commission with service beginning July 16, 2012. Subsequent to the initiation of service it became apparent to Seatac that the flight schedules at BLI were dynamic and changing on a frequent basis. In order to adjust the schedule to meet the flights that the public traveled on we attempted to modify our Time Table to reflect the necessary time changes and filed the necessary paperwork with the commission. As you know, we were rebuffed and service was suspended pending an administrative resolution of the situation. In my last conversation with you, Mr. Vasconi and Ms. Ingram, you and Mr. Vasconi stated that administrative issues took precedence over service to the public thereby setting the stage

for the current situation. Additionally, and this is the latest issue before us, Ms. Ingram during this conversation suggested a course of action that I categorically rejected pointing out to all three that her suggestion **ONLY** applied to Door-to-Door service and not scheduled service such as ours. You and Mr. Vasconi, as well as Ms. Ingram, conceded this point and hence service was suspended for lack of an administrative solution to a practical, real world problem.

Months later, unsolicited, Ms. Ingram contacted Seatac instructing us that language she suggested and provided would administratively satisfy our time table issues. We were emphatic that we were providing scheduled service but she insisted that her solution (proposed language) was satisfactory to resolve the issue. While we were very uncertain as to its application in our situation and wondered why if this was in fact the solution it was not suggested months earlier, we followed her course of action and made the necessary filing with her language verbatim. Now the unstoppable UTC wheel turns. We recently filed for NEW door-to-door service within our tariff and the filing was assigned by the commission Mr. Eckhardt for review.

Since the filing represented a new door to door service, and the fact that we had never provided anything but scheduled service to BLI; it only required a one day notice to the commission. We were stymied when it was assigned not to the next open meeting (Jan, 10, 2013) but one subsequent to that on Jan. 31, 2013. However, when we heard nothing from you or the commission in the succeeding two weeks, we naturally assumed that all was well and that it was an error on staff's part when noticing the commission. Our one day notice period was expired and we commenced the necessary steps to put service into place. Now comes Ms. Ingram, who it turns out was delegated by Mr. Eckhardt to process our filing. She has now determined, despite all of our former discussions with her, yourself and Mr. Vasconi, that we are currently operating a door-to-door-service and we have no authority to operate scheduled service. Mr. Eckhardt's assigning it to her however does not relieve you or your subordinate, Mr. Eckhardt, of the responsibility for her inefficiencies or gross misinterpretations. Rather than deal with us in a timely manner, she took leave for a "family problem" leaving us in abeyance and limbo. When she did finally communicate with us we were told "family comes first; before business". Possibly, but where were **you** and the rest of your staff while she was gone? What if she was gone for two months? Does the agency come to a halt in her absence? This whole delay is so unprofessional and just plain unacceptable that I won't waste anymore comment on it other than to state the obvious; it is an embarrassment for you, the staff and the commission and a total disservice to us, the public we serve and a waste of our time

Ms. Ingram, upon communicating took issue with a page number and an inadvertent inclusion of a non-applicable section in our submitted tariff. This was immediately corrected and filed by Mr. Solin as per Ms. Ingram explicit instructions the following day after a phone call discussion. Then, after the revised filing the following day she again threatened to reject our filing based on her new interpretation of our paperwork that we had no authority to provide scheduled service to Bellingham as previously mentioned. We have been providing scheduled service for nine plus years to SEATAC and most

recently Bellingham. We have filed numerous scheduled time tables, many of which Ms. Ingram has been involved in, and this has never, I repeat never, come up before. All of our applications for authority have been for scheduled service with door-to-door service in conjunction with the above scheduled routes as our authority states. We have never filed a tariff reflecting door-to-door service-and we have never provided door-to-door service. All of this went over Ms. Ingram's head and her suggestion was that we take the matter up with Ms. Tina Leipski who reviewed our application for authority in July implying that Tina must have made a mistake. This is without question the most absurd analysis and course of action to come out of the UTC in the past ten years. We have no desire or time to resolve this non-issue with Ms. Leipski who originally reviewed our application(s) for scheduled service in a timely and professional manner. This whole travesty is Ms. Ingram's responsibility. If Ms. Ingram is as clueless as to the nature, language and workings of our or any authority that she needs assistance from Ms. Leipski, then it is incumbent upon her to resolve (educate herself) directly. We will not spend the time, money or effort on another fantasy excursion.

Now, after your latest email stating that you are rejecting our SECOND filing I suggest you refresh your memory with regard to WAC 480-30-36, specifically with regard to the definitions of "airporter service", "by reservation only" and "door to door service". A glance at the New Oxford English dictionary for a definition is also in order. After reviewing these definitions, had we filed the opposite of what we did, your staff would have rightly denied the tariff as the passengers do not identify the departure points, a fact that was made abundantly clear to Ms. Ingram. We provide airporter service, as defined in WAC and in conjunction with that service (airporter) have authority to provide door-to-door service. Nothing could be any clearer to even the most casual reviewer. All we have been doing is trying to provide a normal scheduled service to BLI for the benefit of the public and you seem to go out of your way at every juncture to deny them that service. What possible motivation could you have other than retaliatory or punitive for our questioning the agency's actions and errors in the past.

Six years ago Seatac Shuttle purchased a segment of authority from another airporter, a simple matter. The process and procedure are clearly spelled out in RCW and WAC. In order to make the process as simplistic as possible and to be proactive and resolve any possible questions that the UTC might have regarding the transaction, we scheduled a meeting with all concerned at the agency including Ms. Ingram who was the lead staffer for the agency. Normally this would be such a routine filing that we would not have called a meeting but rather would have just submitted the paperwork. It took two hours, diagrams and time lines on the white board, citing WAC and a very gentle step-by-step explanation before Ms. Ingram understood what was happening. It was our observation that she was new to the process and needed to be educated. It is now six years later and it is time for the on-the-job training to end. We can't afford it anymore and it is a total disservice to the public. Every time Ms. Ingram is involved in any of our filings they turn into protracted disasters when no problem exists other than typos or pagination. Mr. Danner, you have an obligation to oversee your staff, you have failed.

The above reflects an abbreviated history of recent and not so recent events which have lead us to where this company is today.

First: In an email of January 30, notifying of us his intent to reject our filing, Mr. Eckhardt claimed that Ms. Ingram had been supplying us with technical assistance and that we should contact her for further technical assistance. It is her “technical assistance” that has created this fiasco and therefore henceforth we will have no further dealings with Ms. Ingram. We will not respond to nor initiate any communication with her. Mr. Eckhardt was assigned our last application for tariff revision yet did not attend to it or monitor it. If by some chance he did monitor it, then he is as culpable as Ms. Ingram.

Second: Based on our most recent re-file and new Docket requested, we filed a proper and timely tariff revision for the provision of NEW door-to-door service to BLI which we understand has now been rejected. It contains Ms. Ingram’s word for word language to, in her words, allow us to craft out a time schedule to meet the dynamic nature of the BLI flight schedules. This is absurd.

Third: We expect, demand, that future dealings with the agency be in a timely, professional manner. An email and letter sent by USPS more than two weeks after the fact signed by you on a one day notice filing is not acceptable. That Ms. Ingram in fact, drafted the letter in no way lessens the fact that it was signed by you and therefore represents your actions. If in fact there was a question, a simple phone call or email would have put the matter on a proper time line and it could have been resolved in one day. Your letter is just one more example of the lack of concern for both the companies and the public by this agency and it will not stand any longer.

Fourth: We strongly urge you to consider the circumstances of this tariff disaster, its genesis and consequences and get it fixed at the agency immediately before further action is forced upon us.

We will continue to serve the public in a timely, efficient and professional manner despite the continual antagonism displayed by the agency. If you or the agency takes issue with that then state your reasons and justifications as to why the public should be denied our service in writing. So far despite all our efforts, conversations and “technical assistance” all the UTC has managed to do is inhibit every effort to provide service to the Bellingham Airport. All we want is both scheduled and door to service to fully serve the public. Our authority authorizes us both. This is not rocket science, we are trying to offer a simple straight forward service to the public and you have not assisted in that effort at all. I doubt that an incorrect page number or the unilateral misguided action of one employee who was delinquent in her response will stand public scrutiny.

As always,

Michael Lauver John Solin

Cc: Senator Barb Bailey