

Docket No. TE-210470 - Vol. I

OnStar Limousine – Transportation Court

September 15, 2021



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against:) DOCKET TE-210470

ONSTAR LIMOUSINE LLC, DBA SEATTLE TRANSPORTATION GROUP; SEATTLE CITY LIMO

VIRTUAL TRANSPORTATION COURT, VOLUME I Pages 1-15 ADMINISTRATIVE LAW JUDGE SAMANTHA DOYLE

(All participants appearing via videoconference.)

September 15, 2021

8:00 a.m.

Washington Utilities and Transportation Commission 621 Woodland Square Loop SE Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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LACEY, WASHINGTON; SEPTEMBER 15, 2021 8:00 A.M.

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PROCEEDINGS

JUDGE DOYLE: Let's be on the record and get started. Good morning. My name is Samantha Doyle. I'm an administrative law judge with the Utilities and Transportation Commission.

Today is September 15th, 2021, and the time is approximately 8:00 a.m.

This is Docket TE-210470, which is a special proceeding to determine whether Onstar Limousine, LLC, doing business as Seattle Transportation Group is operating or has operated as a charter party or excursion service carrier without a certificate from the Commission.

Let's begin by taking appearances, then we can discuss how we will proceed this morning.

And the representative for the company, can you please state and spell your first and last name.

MR. TEKLE: Okay. First name is Tekeste, T-e-k-e-s-t-e, last name Tekle.

JUDGE DOYLE: And would you -- or sorry, would you state your position with the company.

APPEARANCES ADMINISTRATIVE LAW JUDGE: SAMANTHA DOYLE

FOR COMMISSION STAFF:

JASON HOXIT Compliance Investigator Utilities and Transportation Commission PO Box 47250 Olympia, Washington 98504 (360) 664-1160 jason.hoxit@utc.wa.gov

FOR ONSTAR LIMOUSINE: TEKESTE TEKLE Owner Onstar Limousine

* * * * *

MR. TEKLE: Owner of Onstar Limousine LLC.

JUDGE DOYLE: Thank you. And would you also provide your address, phone number, and email address.

MR. TEKLE: Okay. Email address would be tech@onstarlimo.com; phone number, 206-788-6990; address, PO Box preferred for mailing purposes, PO Box 58461, Tukwila, Washington 98138.

JUDGE DOYLE: Thank you so much. And appearance for Staff?

MR. HOXIT: Jason Hoxit, J-a-s-o-n, H-o-x-i-t.

JUDGE DOYLE: Thank you.

We're here today because the Commission issued a complaint against Onstar Limousine based on information that your business is operating or advertising as a charter party or excursion service carrier without a certificate from the Commission. If it's proven that you are, in fact, engaging in that conduct, the Commission will order you to stop operating and can impose some penalties of up to \$5,000 per violation.

As a preliminary matter, I'm going to ask you how you would like to proceed, and you have two options.

Option A is to agree to cease and desist

Page 5

1 operating as an unpermitted charter or excursion
 2 carrier. If you choose this option, you must agree to
 3 stop providing, offering, and advertising unpermitted
 4 charter and excursion carrier services unless or until
 5 you receive a permit from the Commission.
 6 If you're going to choose this option, you
 7 need to show what you have done to shut down your
 8 business either completely or partially so that you're
 9 no longer advertising, offering, or providing
 10 unpermitted charter and excursion services in this
 11 state. For example, you're going to need to provide
 12 poof that you've taken down or changed your website or
 13 other online advertisements for your business.
 14 Also, if you've applied for or obtained a
 15 certificate in advance of this hearing, please let me
 16 know, and in that case, we will not ask you to stop
 17 operating, but we will want you to acknowledge that you
 18 were operating without a permit and that you agree you
 19 will stop operating if your certificate is suspended or
 20 cancelled in the future for any reason.
 21 Now, option B is to ask for a classification
 22 hearing. You choose option B if you believe that your
 23 business is not subject to regulation by the Commission.
 24 In other words, you're denying that you advertise,
 25 offer, or provide unpermitted charter and excursion

Page 6

1 carrier services. And if you choose this option, we
 2 will schedule a formal evidentiary hearing where you
 3 will be required to present evidence that your business
 4 is not subject to regulation by the Commission. The
 5 hearing would be set for about two months from now with
 6 a deadline a week before the hearing for both you and
 7 Commission Staff to list your witnesses and file
 8 exhibits.
 9 And Jason Hoxit will be speaking for
 10 Commission Staff this morning. Mr. Hoxit is a
 11 Commission compliance investigator.
 12 Now that we've gone over your choices, I
 13 will explain what else will happen today.
 14 In a few minutes, I'll ask that you, the
 15 company, make a choice. First I will sear you in so
 16 that anything you say will be under oath, and once
 17 you're sworn in, I will ask if you understand your
 18 choices for today's hearing and then ask you to state
 19 your choice. If there's anything else you want me to
 20 explain, you'll have a chance -- or if there's anything
 21 else you want to explain to me, you will have to chance
 22 to do that.
 23 If you choose option A, to testify about how
 24 you are getting out of the charter and excursion
 25 business, you can explain how you plan to do that.

Page 7

1 Depending on what proof you can provide, you may be
 2 given an opportunity to meet with Staff during the break
 3 in the hearing to negotiate an agreed cease and desist
 4 order.
 5 If you have recently applied for or received
 6 a permit, you will also be given an opportunity to meet
 7 with Staff to negotiate an agreed order to resolve this
 8 matter. The agreed order will also deal with the
 9 penalty.
 10 You were each served with a complaint that
 11 asked the Commission penalize you for engaging in
 12 business as a charter or excursion carrier without a
 13 permit. The law sets the maximum penalty at each
 14 violation at \$5,000. Staff will recommend a penalty and
 15 you'll have a chance to reach an agreement with Staff
 16 about the penalty amount. If you're unable to agree,
 17 Staff will explain the recommendation, but the
 18 Commission will make the final decision about the
 19 penalty amount.
 20 Finally, if you choose option B, that is if
 21 you deny you're operating as a charter and excursion
 22 carrier, we will schedule another hearing like I
 23 discussed earlier.
 24 Mr. Hoxit, I will swear you in now.
 25 (Jason Hoxit sworn.)

Page 8

1 JUDGE DOYLE: And for the company,
 2 Mr. Tekle.
 3 MR. TEKLE: Yes, ma'am.
 4 (Tekeste Tekle sworn.)
 5 JUDGE DOYLE: Do you understand the choices
 6 I explained earlier?
 7 MR. TEKLE: Yes, Your Honor.
 8 JUDGE DOYLE: How would you like to proceed
 9 today?
 10 MR. TEKLE: I will just take option A, and
 11 we discussed with Jason, and I basically sold the
 12 vehicle, and I removed any of the charter -- any vehicle
 13 that pertained to the TC with excursion and charter.
 14 And moved off site and basically we're no longer
 15 operating until, you know, in the future.
 16 JUDGE DOYLE: Okay. Well, at this point, we
 17 can take a break so you and Staff can talk and see if
 18 you can come up with an agreement. If you do reach an
 19 agreement, I will sign an order that will say that you
 20 are agreeing that you were operating without a
 21 certificate, that you advertised without a certificate,
 22 and that you agree to stop operating until you get a
 23 certificate if you decide to apply for one.
 24 It will also include most likely an
 25 agreement about that penalty amount that was discussed,

Page 9

1 but if not, you can explain why the penalty should be
2 different than what Staff is recommending.
3 Before we take a break, do you have any
4 other questions?
5 MR. TEKLE: Your Honor, we already -- you
6 know, I have to go back to work in like another 30
7 minutes. I don't know if Jason gave it to you, I'm not
8 sure. Just to let you know for the...
9 JUDGE DOYLE: Okay. So you've you already
10 agreed with the -- with Staff and the stipulated order?
11 MR. TEKLE: Yes.
12 JUDGE DOYLE: Okay. And you agree with the
13 penalty recommendation of a thousand dollars now and
14 \$9,000 suspended penalty?
15 MR. TEKLE: Yes, Your Honor.
16 JUDGE DOYLE: Okay.
17 MR. TEKLE: And then with installments of
18 five payments.
19 JUDGE DOYLE: With five payments?
20 MR. TEKLE: Yes.
21 JUDGE DOYLE: Okay. And -- okay. I just
22 want to double-check. And for the record, you're
23 agreeing to shut down operations unless you get a
24 certificate, which is what I thought I heard you said
25 earlier?

Page 10

1 MR. TEKLE: Yes, that is correct.
2 JUDGE DOYLE: Okay. And also, the order is
3 a cease and desist. The order to cease and desist is
4 permanent and it never expires. So if Staff discovers
5 that you are still operating even after the two-year
6 suspended penalty, Staff can go straight to Superior
7 Court and ask for much higher penalties. So it's very
8 important that you follow the law. Just wanted to make
9 that clear.
10 MR. TEKLE: That is clear.
11 JUDGE DOYLE: Okay. And I also want to
12 remind you that if you miss a payment, you will have to
13 pay the entire amount including the \$9,000 penalty
14 that's suspended. If for some reason you're going to be
15 late in making a payment, please contact Staff and make
16 arrangements so you don't end up having to pay the full
17 penalty and understand that legally -- do you feel like
18 you understand what you can and can't do at this point?
19 MR. TEKLE: Yes, correct. Yeah, because I
20 don't have no other vehicles, so I'm only advertising
21 for the vehicles I have that are potentially -- that are
22 in the state of Washington, but not making -- so I don't
23 have no vehicles to sell or to advertise for UTC. So I
24 should be okay by all means.
25 JUDGE DOYLE: Okay. Great. And then

Page 11

1 remember that Commission Staff are always available to
2 assist you if you have any questions going forward.
3 At this point, does Staff have any --
4 anything to add?
5 MR. HOXIT: Your Honor, I would just ask if
6 the company has had a chance to review Order 02 in its
7 entirety. I sent it to the company yesterday, but I
8 haven't received anything back from the company as far
9 as acknowledgement. So I just want to make sure they
10 reviewed the entire document.
11 MR. TEKLE: Yes, yes, I received that -- the
12 email, the breakdown, yes. I'm sorry I didn't reply.
13 JUDGE DOYLE: And then were there dates
14 agreed for the five payments?
15 MR. HOXIT: Yes, Your Honor. We had five
16 installments, September 17th, 2021; October 18th, 2021;
17 November 17th, 2021; December 17th, 2021; and
18 January 18th, 2022. And each installment is \$200.
19 JUDGE DOYLE: Okay. Great.
20 Any additional questions at this point?
21 MR. TEKLE: No, Your Honor.
22 MR. HOXIT: The last question I would have
23 is, is the company okay being served electronically to
24 the email provided?
25 MR. TEKLE: Which email, Jason?

Page 12

1 MR. HOXIT: The tech@onstarlimo.com?
2 MR. TEKLE: That is correct.
3 MR. HOXIT: Okay. Thank you.
4 JUDGE DOYLE: Great. Thank you so much.
5 All right. Well, I will issue the order
6 later today. And as we just stated, Tech, you will
7 receive a copy via email at the address that you
8 provided and is -- and looks like -- okay.
9 Do we have any other business that we need
10 to take care of today while we're all together?
11 MR. HOXIT: Nothing from Staff, Your Honor.
12 MR. TEKLE: Just one question. Hello there?
13 JUDGE DOYLE: Yes. Go right ahead.
14 MR. TEKLE: I did, in fact -- so from
15 previous history, you know, we used to have the vehicle,
16 and if people do say example -- I'm just trying to get
17 clarification so I don't have no issues. I don't have
18 the vehicle so it doesn't -- if someone refer me and
19 says, hey, I need a vehicle for this particular size,
20 that I used to have, and I say, I don't have it, but
21 what I can recommend, is there -- what do I do then?
22 You know, just making sure I don't have any other, you
23 know -- a referral.
24 JUDGE DOYLE: So, Mr. Tekle, yeah, you still
25 can't operate --

1 MR. TEKLE: Not operate, not operate, but
 2 I'm saying if somebody called my phone number, I'm just
 3 saying this is someone that's calling me, I don't have
 4 the vehicle, I'm just -- not the vehicle, but if
 5 somebody call me, do I say no, I don't have a vehicle
 6 and shut it off and say I can't do anything for you, go
 7 find your information, you know, of that particular
 8 vehicle or whatever, or I can just recommend a name?
 9 I'm just trying to say that. I'm just trying to be
 10 clear, to the point for referral purposes.
 11 JUDGE DOYLE: Are you saying you're -- can
 12 you refer to another business that is permitted
 13 operating?
 14 MR. TEKLE: Yeah, that's what I'm saying.
 15 If somebody called me and said, hey, I need the car that
 16 you have, well, I don't have it anymore. Do you know
 17 where I can find or recommend -- like recommendations or
 18 my referral experience they want that I'm saying. Do I
 19 have -- you know, I mean, because I'm not advertising,
 20 but, you know, people have your number from past
 21 experience from other people, how would you, you know,
 22 take care of that issue I'm trying to say.
 23 JUDGE DOYLE: Yeah, absolutely. You may
 24 refer to a permitted carrier.
 25 MR. TEKLE: Okay. So I have to do my

1 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 6 I, Tayler Garlinghouse, a Certified Shorthand
 7 Reporter in and for the State of Washington, do hereby
 8 certify that the foregoing transcript is true and
 9 accurate to the best of my knowledge, skill and ability.
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~~Tayler Garlinghouse~~
 Tayler Garlinghouse, CCR 3358

1 research and/or I can just tell him just go on to UTC?
 2 JUDGE DOYLE: Right. And you don't have to
 3 refer them. If you knew of a referral, you may give a
 4 referral. You're not required to know. You could
 5 simply state that you're no longer in business and they
 6 need to continue looking. If you know of somebody that
 7 you want to refer to that's permitted by the Commission,
 8 you may refer, but there's no requirement that you refer
 9 anybody.
 10 MR. TEKLE: Oh, okay. So yeah, I can just
 11 say go to this person. I don't want to be like no for
 12 advertising, like here's the number for this company.
 13 That's what I'm trying to say. You know, I wanted to
 14 clarify. I don't give, you know, as advertising
 15 anything, you know?
 16 JUDGE DOYLE: Right, right. Referring to a
 17 permitted company wouldn't be considered advertising,
 18 but you're also not required to do it.
 19 MR. TEKLE: Okay. That was it. That was
 20 the only question I had.
 21 JUDGE DOYLE: Okay. Great. Well, I think
 22 with that, we are all set. Thank you all for joining
 23 this morning. We are adjourned.
 24 (Adjourned at 8:17 a.m.)
 25

<p style="text-align: center;">A</p> <p>a.m 1:16 3:2,11 14:24</p> <p>ability 15:9</p> <p>absolutely 13:23</p> <p>accurate 15:9</p> <p>acknowledge 5:17</p> <p>acknowledgement 11:9</p> <p>add 11:4</p> <p>additional 11:20</p> <p>address 4:3,3,4,6 12:7</p> <p>adjourned 14:23 14:24</p> <p>administrative 1:13 2:2 3:8</p> <p>advance 5:15</p> <p>advertise 5:24 10:23</p> <p>advertised 8:21</p> <p>advertisements 5:13</p> <p>advertising 4:16 5:3,9 10:20 13:19 14:12,14,17</p> <p>agree 4:25 5:2,18 7:16 8:22 9:12</p> <p>agreed 7:3,7,8 9:10 11:14</p> <p>agreeing 8:20 9:23</p> <p>agreement 7:15 8:18,19,25</p> <p>ahead 12:13</p> <p>amount 7:16,19 8:25 10:13</p> <p>and/or 14:1</p> <p>anybody 14:9</p> <p>anymore 13:16</p> <p>appearance 4:9</p> <p>appearances 3:18</p> <p>appearing 1:14</p> <p>applied 5:14 7:5</p> <p>apply 8:23</p> <p>approximately 3:11</p>	<p>arrangements 10:16</p> <p>asked 7:11</p> <p>assist 11:2</p> <p>available 11:1</p> <p>Avenue 1:22</p> <hr/> <p style="text-align: center;">B</p> <p>B 5:21,22 7:20</p> <p>back 9:6 11:8</p> <p>based 4:14</p> <p>basically 8:11,14</p> <p>believe 5:22</p> <p>best 15:9</p> <p>Box 2:8 4:6,6</p> <p>break 7:2 8:17 9:3</p> <p>breakdown 11:12</p> <p>Buell 1:21</p> <p>business 3:14 4:15 5:8,13,23 6:3,25 7:12 12:9 13:12 14:5</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 3:4 15:1,1</p> <p>call 13:5</p> <p>called 13:2,15</p> <p>calling 13:3</p> <p>cancelled 5:20</p> <p>car 13:15</p> <p>care 12:10 13:22</p> <p>carrier 1:4 3:16 4:17 5:2,4 6:1 7:12,22 13:24</p> <p>case 5:16</p> <p>CCR 1:20 15:14</p> <p>cease 4:25 7:3 10:3 10:3</p> <p>certificate 3:16 4:17 5:15,19 8:21 8:21,23 9:24</p> <p>Certified 15:6</p> <p>certify 15:8</p> <p>chance 6:20,21 7:15 11:6</p> <p>changed 5:12</p>	<p>charter 3:15 4:16 5:1,4,10,25 6:24 7:12,21 8:12,13</p> <p>choice 6:15,19</p> <p>choices 6:12,18 8:5</p> <p>choose 5:2,6,22 6:1 6:23 7:20</p> <p>CITY 1:8</p> <p>clarification 12:17</p> <p>clarify 14:14</p> <p>classification 1:4 5:21</p> <p>clear 10:9,10 13:10</p> <p>come 8:18</p> <p>Commission 1:2,18 2:5,8 3:9,17 4:13 4:17,19 5:5,23 6:4 6:7,10,11 7:11,18 11:1 14:7</p> <p>company 3:20,25 6:15 8:1 11:6,7,8 11:23 14:12,17</p> <p>complaint 1:5 4:14 7:10</p> <p>completely 5:8</p> <p>compliance 2:7 6:11</p> <p>conduct 4:19</p> <p>considered 14:17</p> <p>contact 10:15</p> <p>continue 14:6</p> <p>copy 12:7</p> <p>correct 10:1,19 12:2</p> <p>COUNTY 15:4</p> <p>Court 1:11 10:7</p> <hr/> <p style="text-align: center;">D</p> <p>D 3:4</p> <p>dates 11:13</p> <p>DBA 1:7</p> <p>deadline 6:6</p> <p>deal 7:8</p> <p>December 11:17</p> <p>decide 8:23</p> <p>decision 7:18</p>	<p>deny 7:21</p> <p>denying 5:24</p> <p>Depending 7:1</p> <p>desist 4:25 7:3 10:3 10:3</p> <p>determine 3:13</p> <p>Determining 1:4</p> <p>different 9:2</p> <p>discovers 10:4</p> <p>discuss 3:19</p> <p>discussed 7:23 8:11 8:25</p> <p>Docket 1:4 3:12</p> <p>document 11:10</p> <p>doing 3:14</p> <p>dollars 9:13</p> <p>double-check 9:22</p> <p>Doyle 1:13 2:3 3:6 3:7,24 4:2,8,12 8:1,5,8,16 9:9,12 9:16,19,21 10:2 10:11,25 11:13,19 12:4,13,24 13:11 13:23 14:2,16,21</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1 3:4,4 15:1,1</p> <p>earlier 7:23 8:6 9:25</p> <p>either 5:8</p> <p>electronically 11:23</p> <p>email 4:3,4 11:12 11:24,25 12:7</p> <p>engaging 4:18 7:11</p> <p>entire 10:13 11:10</p> <p>entirety 11:7</p> <p>evidence 6:3</p> <p>evidentiary 6:2</p> <p>example 5:11 12:16</p> <p>excursion 3:16 4:16 5:1,4,10,25 6:24 7:12,21 8:13</p> <p>exhibits 6:8</p> <p>experience 13:18 13:21</p>	<p>expires 10:4</p> <p>explain 6:13,20,21 6:25 7:17 9:1</p> <p>explained 8:6</p> <hr/> <p style="text-align: center;">F</p> <p>F 15:1</p> <p>fact 4:18 12:14</p> <p>far 11:8</p> <p>feel 10:17</p> <p>file 6:7</p> <p>final 7:18</p> <p>Finally 7:20</p> <p>find 13:7,17</p> <p>first 3:21,22 6:15</p> <p>five 9:18,19 11:14 11:15</p> <p>follow 10:8</p> <p>foregoing 15:8</p> <p>formal 6:2</p> <p>forward 11:2</p> <p>full 10:16</p> <p>future 5:20 8:15</p> <hr/> <p style="text-align: center;">G</p> <p>G 3:4</p> <p>Garlinghouse 1:20 15:6,14</p> <p>getting 6:24</p> <p>give 14:3,14</p> <p>given 7:2,6</p> <p>go 9:6 10:6 12:13 13:6 14:1,11</p> <p>going 4:22 5:6,11 10:14 11:2</p> <p>Good 3:7</p> <p>Great 10:25 11:19 12:4 14:21</p> <p>Group 1:8 3:14</p> <hr/> <p style="text-align: center;">H</p> <p>H-o-x-i-t 4:11</p> <p>happen 6:13</p> <p>heard 9:24</p> <p>hearing 5:15,22 6:2 6:5,6,18 7:3,22</p>
--	---	---	---	--

Hello 12:12	know 5:16 8:15 9:6	need 5:7,11 12:9,19	P 2:1,1 3:4	proven 4:18
hey 12:19 13:15	9:7,8 12:15,22,23	13:15 14:6	Pages 1:12	provide 4:3 5:11,25
higher 10:7	13:7,16,19,20,21	negotiate 7:3,7	partially 5:8	7:1
history 12:15	14:4,6,13,14,15	never 10:4	participants 1:14	provided 11:24
Honor 8:7 9:5,15	knowledge 15:9	November 11:17	particular 12:19	12:8
11:5,15,21 12:11	<hr/> L <hr/>	number 4:3,5 13:2	13:7	providing 5:3,9
Hoxit 2:6 4:10,10	Lacey 1:19 3:1	13:20 14:12	party 3:15 4:16	purposes 4:6 13:10
6:9,10 7:24,25	late 10:15	<hr/> O <hr/>	pay 10:13,16	<hr/> Q <hr/>
11:5,15,22 12:1,3	law 1:13 2:2 3:8	O 3:4	payment 10:12,15	question 11:22
12:11	7:13 10:8	o0o-- 3:3	payments 9:18,19	12:12 14:20
<hr/> I <hr/>	legally 10:17	oath 6:16	11:14	questions 9:4 11:2
important 10:8	Let's 3:6,18	obtained 5:14	penalize 7:11	11:20
impose 4:20	LIMO 1:8	October 11:16	penalties 1:5 4:20	<hr/> R <hr/>
include 8:24	Limousine 1:7 2:12	offer 5:25	10:7	R 2:1 3:4 15:1
including 10:13	2:13 3:13 4:1,14	offering 5:3,9	penalty 7:9,13,14	reach 7:15 8:18
information 4:15	list 6:7	Oh 14:10	7:16,19 8:25 9:1	Realtime 1:21
13:7	LLC 1:7,21 3:13	okay 3:22 4:4 8:16	9:13,14 10:6,13	reason 5:20 10:14
installment 11:18	4:1	9:9,12,16,21,21	10:17	receive 5:5 12:7
installments 9:17	longer 5:9 8:14	10:2,11,24,25	people 12:16 13:20	received 7:5 11:8
11:16	14:5	11:19,23 12:3,8	13:21	11:11
investigator 2:7	looking 14:6	13:25 14:10,19,21	permanent 10:4	recommend 7:14
6:11	looks 12:8	Olympia 1:23 2:9	permit 5:5,18 7:6	12:21 13:8,17
issue 12:5 13:22	Loop 1:18	once 6:16	7:13	recommendation
issued 4:14	<hr/> M <hr/>	online 5:13	permitted 13:12,24	7:17 9:13
issues 12:17	ma'am 8:3	Onstar 1:7 2:12,13	14:7,17	recommendations
<hr/> J <hr/>	mailing 4:6	3:13 4:1,14	person 14:11	13:17
J-a-s-o-n 4:10	making 10:15,22	operate 12:25 13:1	pertained 8:13	recommending 9:2
January 11:18	12:22	13:1	phone 4:3,5 13:2	record 3:6 9:22
Jason 2:6 4:10 6:9	matter 1:4 4:22 7:8	operated 3:15	plan 6:25	refer 12:18 13:12
7:25 8:11 9:7	maximum 7:13	operating 3:15	please 3:21 5:15	13:24 14:3,7,8,8
11:25	mean 13:19	4:15,19 5:1,17,18	10:15	referral 12:23
jason.hoxit@utc....	means 10:24	5:19 7:21 8:15,20	PO 2:8 4:6,6	13:10,18 14:3,4
2:10	meet 7:2,6	8:22 10:5 13:13	point 8:16 10:18	Referring 14:16
joining 14:22	minutes 6:14 9:7	operations 9:23	11:3,20 13:10	regulation 5:23 6:4
judge 1:13 2:2 3:6	months 6:5	opportunity 7:2,6	poof 5:12	remember 11:1
3:8,24 4:2,8,12	morning 3:7,19	option 4:25 5:2,6	position 3:25	remind 10:12
8:1,5,8,16 9:9,12	6:10 14:23	5:21,22 6:1,23	potentially 10:21	removed 8:12
9:16,19,21 10:2	moved 8:14	7:20 8:10	preferred 4:6	reply 11:12
10:11,25 11:13,19	<hr/> N <hr/>	options 4:24	preliminary 4:22	REPORTED 1:20
12:4,13,24 13:11	N 2:1 3:4	order 4:19 7:4,7,8	present 6:3	Reporter 15:7
13:23 14:2,16,21	name 3:7,21,22,23	8:19 9:10 10:2,3	previous 12:15	Reporting 1:21
<hr/> K <hr/>	13:8	11:6 12:5	proceed 3:19 4:23	representative 3:20
knew 14:3	National 1:24	Owner 2:13 4:1	8:8	required 6:3 14:4
		<hr/> P <hr/>	proceeding 3:13	14:18
			proof 7:1	
			Proper 1:4	

<p>requirement 14:8 research 14:1 resolve 7:7 review 11:6 reviewed 11:10 right 12:5,13 14:2 14:16,16</p> <hr/> <p style="text-align: center;">S</p> <p>S 2:1 3:4 Samantha 1:13 2:3 3:7 saying 13:2,3,11,14 13:18 says 12:19 schedule 6:2 7:22 SE 1:18 sear 6:15 Seattle 1:8,8,22,23 3:14 see 8:17 sell 10:23 sent 11:7 September 1:15 3:1,10 11:16 served 7:10 11:23 service 3:16 4:16 services 5:4,10 6:1 set 6:5 14:22 sets 7:13 Shorthand 15:6 show 5:7 shut 5:7 9:23 13:6 sign 8:19 simply 14:5 site 8:14 size 12:19 skill 15:9 sold 8:11 somebody 13:2,5 13:15 14:6 sorry 3:24 11:12 speaking 6:9 special 3:12 spell 3:21 Square 1:18</p>	<p>Staff 2:5 4:9 6:7,10 7:2,7,14,15,17 8:17 9:2,10 10:4,6 10:15 11:1,3 12:11 started 3:7 state 3:21,25 5:11 6:18 10:22 14:5 15:3,7 stated 12:6 stipulated 9:10 stop 4:19 5:3,16,19 8:22 straight 10:6 subject 5:23 6:4 Suite 1:22 Superior 10:6 sure 9:8 11:9 12:22 suspended 5:19 9:14 10:6,14 swear 7:24 sworn 6:17 7:25 8:4</p> <hr/> <p style="text-align: center;">T</p> <p>T 15:1,1 T-e-k-e-s-t-e 3:23 take 8:10,17 9:3 12:10 13:22 taken 5:12 talk 8:17 Taylor 1:20 15:6,14 TC 8:13 TE-210470 1:4 3:12 Tech 12:6 tech@onstarlimo... 4:5 12:1 Tekeste 2:13 3:22 8:4 Tekle 2:13 3:22,23 4:1,4 8:2,3,4,7,10 9:5,11,15,17,20 10:1,10,19 11:11 11:21,25 12:2,12 12:14,24 13:1,14</p>	<p>13:25 14:10,19 tell 14:1 testify 6:23 Thank 4:2,8,12 12:3,4 14:22 think 14:21 thought 9:24 thousand 9:13 THURSTON 15:4 time 3:10 today 3:10 4:13 6:13 8:9 12:6,10 today's 6:18 transcript 15:8 Transportation 1:2 1:8,11,18 2:7 3:9 3:14 true 15:8 trying 12:16 13:9,9 13:22 14:13 Tukwila 4:7 two 4:23 6:5 two-year 10:5</p> <hr/> <p style="text-align: center;">U</p> <p>unable 7:16 understand 6:17 8:5 10:17,18 unpermitted 5:1,3 5:10,25 UTC 10:23 14:1 Utilities 1:2,18 2:7 3:8</p> <hr/> <p style="text-align: center;">V</p> <p>vehicle 8:12,12 12:15,18,19 13:4 13:4,5,8 vehicles 10:20,21 10:23 videoconference 1:14 violation 4:21 7:14 VIRTUAL 1:11 VOLUME 1:11</p>	<hr/> <p style="text-align: center;">W</p> <p>want 5:17 6:19,21 9:22 10:11 11:9 13:18 14:7,11 wanted 10:8 14:13 Washington 1:1,18 1:19,22 2:9 3:1 4:7 10:22 15:3,7 we're 4:13 8:14 12:10 we've 6:12 website 5:12 week 6:6 witnesses 6:7 Woodland 1:18 words 5:24 work 9:6 wouldn't 14:17 www.buellrealti... 1:25</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <p>yeah 10:19 12:24 13:14,23 14:10 yesterday 11:7</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <p>02 11:6</p> <hr/> <p style="text-align: center;">1</p> <p>1-15 1:12 1325 1:22 15 1:15 3:1 15th 3:10 17th 11:16,17,17 1840 1:22 18th 11:16,18</p> <hr/> <p style="text-align: center;">2</p> <p>200 11:18 2021 1:15 3:1,10 11:16,16,17,17 2022 11:18</p>	<p>206 1:23 206-788-6990 4:5 287-9066 1:23</p> <hr/> <p style="text-align: center;">3</p> <p>30 9:6 3358 1:20 15:14 360 1:23 2:9</p> <hr/> <p style="text-align: center;">4</p> <p>47250 2:8 4th 1:22</p> <hr/> <p style="text-align: center;">5</p> <p>5,000 4:20 7:14 534-9066 1:23 58461 4:7</p> <hr/> <p style="text-align: center;">6</p> <p>621 1:18 664-1160 2:9</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p style="text-align: center;">8</p> <p>8:00 1:16 3:2,11 8:17 14:24 800 1:24 846-6989 1:24</p> <hr/> <p style="text-align: center;">9</p> <p>9,000 9:14 10:13 98101 1:22 98138 4:7 98503 1:19 98504 2:9</p>
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