

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

In re Application TC-091575 of)	DOCKET TC-091575
)	
XINBAO WANG, d/b/a)	
ELLENSBURG EXPRESS)	ORDER 01
)	
for a Certificate of Public Convenience)	
and Necessity to Operate Motor)	PREHEARING CONFERENCE
Vehicles in Furnishing Passenger and)	ORDER; INITIAL ORDER OF
Express Service as an Auto)	DISMISSAL
Transportation Company)	
.....)	

1 **NATURE OF PROCEEDING.** Docket TC-091575 involves an application by Xinbao Wang, d/b/a Ellensburg Express, for an auto transportation, or bus certificate to provide scheduled shuttle service between Central Washington University, Ellensburg, Washington, and Seattle, Washington. The application was protested by CWA, Inc., which operates a shuttle service between Yakima, Washington, and Seattle Washington, with a waypoint stop in Ellensburg, Washington.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on December 14, 2009, before Administrative Law Judge (ALJ) Adam E. Torem.

3 **APPEARANCES.** Xinbao Wang, Ellensburg, Washington, *pro se*, represents Applicant Ellensburg Express. Richard Johnson, Ferndale, Washington, *pro se*, represents Protestant CWA, Inc., d/b/a Airporter Shuttle. Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).¹ Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

¹ In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See RCW 34.05.455.*

- 4 **CLARIFICATION OF ISSUES.** Mr. Wang made clear at the prehearing conference that further market research conducted since the time of filing the application reveals that a charter or excursion service may be a more appropriate venture for his business. Mr. Wang intends to provide shuttle service from Ellensburg to specialized destinations, such as regional shopping centers or tourist attractions, in both Western and Eastern Washington.
- 5 **VOLUNTARY WITHDRAWAL.** Mr. Wang wishes to voluntarily withdraw his current application and file a new application for charter or excursion services. Mr. Wang understands that under WAC 480-30-116(4)(a), no protests may be filed against applications to provide charter or excursion services.
- 6 There being no further matters in dispute, the Commission concludes in light of the foregoing discussion that the application filed by Xinbao Wang d/b/a Ellensburg Express should be dismissed. This dismissal renders moot the protest filed by CWA, Inc.

ORDER

THE COMMISSION ORDERS That Xinbao Wang d/b/a Ellensburg Express' motion to withdraw its application is granted.

Dated at Olympia, Washington, and effective December 15, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge

NOTICE TO PARTIES:

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party of this proceeding has twenty (20) days after the entry of this Initial Order to file a Petition for Administrative Review. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an Answer to Petition for Review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order, any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the commission calling for such answer.

RCW 80.01.060(3) provides that an Initial order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An original and **8 copies** of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

APPENDIX A

PARTIES' REPRESENTATIVES

DOCKET TC-091575

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
ELLENSBURG EXPRESS	XINBAO WANG 1404 Thayer Avenue Ellensburg, WA 98926	509-607-2865		svnbaxp@yahoo.com
AIRPORTER SHUTTLE	RICHARD JOHNSON CWA, INC. – President 1416 Whitehorn Street Ferndale, WA 98248	360-543-9369	(360) 380-1538	richard@airporter.com
COMMISSION STAFF	JENNIFER CAMERON-RULKOWSKI Asst. Attorney General 1400 S Evergreen Park Dr SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1186	360-586-5522	jcameron@utc.wa.gov
Admin. Law Judge	ADAM E. TOREM 1300 S Evergreen Park Dr SW P.O. Box 47250 Olympia, WA 98504-7250	360-664-1138	360-664-2654 [ALD fax only – do not use to file]	atorem@utc.wa.gov