

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

In re Application for)
) DOCKET TC-081582
AGATE PASS TRANSPORTATION,)
LLC, d/b/a BUSUP)
) ORDER GRANTING APPLICATION
)
for a Certificate of Public Convenience and)
Necessity.)
.....)

1 On August 29, 2008, Agate Pass Transportation, LLC, d/b/a BusUp, filed application TC-081582 in accordance with RCW 81.68 for a Certificate of Public Convenience and Necessity to furnish passenger service:

PASSENGER SERVICE: by reservation only, with walk-up passengers also accommodated on a space available basis:

BETWEEN: Cedar Falls and Vantage Trailheads, and intermediate points and communities along the John Wayne Pioneer Trail (Iron Horse State Park) via Interstate 90 and connecting roads, streets, and highways in King and Kittitas Counties, with closed door service only between Roslyn/Cle Elum and Ellensburg, except on trailheads.

2 Subsequently, on February 5, 2009, interested parties were notified of the filing of said application to give them an opportunity to express their views either for or against the granting of this application.

3 After reviewing the evidence submitted and due to the fact that no service of an existing nature is presently available over this route, the Commission deems it expedient to issue the requested authority without a hearing pursuant to RCW 81.68.040. Further, the Commission finds that the applicant is fit, willing, and able to properly conduct the proposed operation and it appears that the service sought to be rendered is necessary and will be a convenience to the public.

ORDER

4 **THE COMMISSION ORDERS** That the Application of Agate Pass Transportation, LLC, d/b/a BusUp, in Docket TC-081582 is hereby granted, conditioned upon compliance with the laws and rules governing auto transportation companies, and that a Certificate of Public Convenience and Necessity be issued to Agate Pass Transportation, LLC, d/b/a BusUp, to read as follows:

PASSENGER SERVICE: by reservation only, with walk-up passengers also accommodated on a space available basis:

BETWEEN: Cedar Falls and Vantage Trailheads, and intermediate points and communities along the John Wayne Pioneer Trail (Iron Horse State Park) via Interstate 90 and connecting roads, streets, and highways in King and Kittitas Counties, with closed door service only between Roslyn/Cle Elum and Ellensburg, except on trailheads

Charter and excursion services in the state of Washington.

- 5 The Commission further orders that the tariff and time schedule filed in connection with this application will become effective at 12:01 a.m. on the day following the service date of this order.
- 6 The Commission has delegated authority to the Secretary to enter this Order under RCW 80.01.030 and WAC 480-07-905(6)(a).

Dated at Olympia, Washington and effective March 13, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site.

The Commission will schedule your request for review by issuing a notice of hearing to be held before an administrative law judge. The Commission, at its discretion, may consider your request for review in an adjudicative proceeding under RCW 34.05 Part IV, or in a brief adjudicative proceeding under RCW 34.05.482 through .494. Following hearing, the administrative law judge will enter an initial order. If you wish to seek review of the initial order, you may file a petition for administrative review under RCW 34.05.464, or if the matter is heard in a brief adjudicative proceeding, under RCW 34.05.491.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3), and WAC 480-07-905, as amended effective September 22, 2008.