

Docket # TC-121432

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Commissioners Goltz, Oshie and Jones

Exec Dir Danner

Mr. Vasconi; Ms. Ingram, Mr. Eckhardt, Ms. Rendahl; Mr. S. King

CC: R. Ashe; R. Johnson; J. Solin; PSBJ; BLI; Sen. Haugen; Rep. Bailey; Rep. Smith

Messrs. Danner and Vasconi:

September 7, 2012

While I appreciate the efforts of Mr. Vasconi to intervene and mediate between Ms. Ingram and our company ten minutes before our deadline, it became obvious that no practical solution was readily at hand that fit the new position of staff on the issue of WAC 480-30-301. I had hope, but was not hopeful, that Mr. Vasconi's suggestion that he and Ms. Ingram have further discussions with additional staff members to seek a solution would be fruitful. Having had no reply by 4:30 PM on that Friday afternoon, one week after our filed effective date, I again queried Ms. Ingram for an answer and received a call from Mr. Danner at approximately 4:40 PM with Mr. Vasconi and Ms. Ingram also in attendance via speaker phone.

I do thank you Mr. Danner, for your efforts to attempt to find a solution, but frankly it was doomed from the start, too little too late. The discussion was a full week after the fact and late on a Friday afternoon with little or no resources available for in depth examination of the question. The suggestions offered; that we reduce our fares or change our authority were and are not viable. That this innocuous, routine filing that followed the proscribed and accepted course of action of the past several years, should at this late date and time, engender so much staff time and money, not to mention this company's time, money, reputation and ability to serve the public, is a tragic comment on the functionality of the UTC. The acknowledgement by yourselves that "...it is the position of the agency that it is more important to follow strictly the new and unprecedented interpretation of the rule than to provide service to the public...." is indefensible and I expect that any reasonable person would so agree.

The UTC is going through what can only be characterized as a schizophrenic period. On one hand the commissioners state that the case for deregulation has been made and that Autotransportation is a competitive industry that no longer fits the previously existing regulatory model, on the other staff continues to make unfounded interpretations, out of the blue, that blindsides the industry with a more severe interpretation of regulation to the detriment of both the companies and the public. There are no gains for anyone here; we are all losers in this homage to regulation for regulation's sake. Reasonability

and reality are sacrificed on the altar of bureaucracy. This is the portrait of an agency that has forgotten its charter, to serve the public.

We have received and read your notice to stop serving the public between Whidbey Island and Bellingham International Airport. We shall inform all involved and interested parties of your decision to deny this service based on a new interpretation of a notice to the public, that our attempt to better serve the public no longer has no standing with the commission.

Your stated reliance on your staff legal counsel, your unwillingness to question that counsel brings to mind that the Bard's suggestion, "First let us kill all the lawyers..." is a timeless sentiment. While only suggested in 16th century prose and is certainly not the position of this company, one can sympathize with the sentiment that lawyers cause more problems than they fix. Lawyers are people too (also subject to interpretation), and not infallible. They certainly have stirred the pot this time.

In closing I take notice of your reference to RCW 81.24.050. Your inclusion of it was apparently to illustrate your justification for the denial of service to the public. I must take exception with your interpretation. I bring to your attention to the following language included within the statute:

"...The notice must be published as provided in RCW [81.28.040](#) and must plainly state the changes proposed to be made in the schedule ***then in force*** and the time when the changed rate, classification, fare, or charge will go into effect..."

As no time table was "then in force" on the effective date of September 1, 2012, the 30 day notice was and is not required and our filing falls under the notice requirements of WAC 480-30-301. A clear and supportable case may be made for our filing and notice period. To continue this argument for the sake of argument and deny access to the public serves no purpose.

Respectfully,

Michael Lauver

Seatac Shuttle, LLC