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October 11, 2006

Docket# TC-060177

Mr. Chris Rose
Washington Utilities & Transportation Commission
Director, Regulatory Services
1300 S. Evergreen Park Dr. S.W.
PO Box 47250
Olympia, WA 98504-7250

Re: Your letter of October 10, 2006

Mr. Rose:

Thank you for your response to my letters to Penny Hansen. I am confused, however, she is the regulatory analyst assigned to this docket and listed as the prime contact for information, none the less it has been months since she has responded to any inquiries posed to her by us. Does she still work there, is she still an analyst? Perhaps you can provide illumination here?

Regarding your letter; I am no longer interested in debating whether or not the commissioners considered the work effort of the regulated, the record speaks for itself. I am of the position that Chairman Sidran, with no transportation or business experience according to his official biography, has ignored our comments and intends to implement his "theory of regulation" as stated in the last of the workshops held under this docket.

If you will examine the letter from Chairman Sidran that you attached you will see that conclusion one includes the term "effective competition". We have asked what that means with no clear answer forthcoming.

Conclusion number two; that the WUTC would continue to use the 93/7 ratio methodology. To us this is a non-action, do nothing, avoid the question posed by the CR-101. No one has explained how this serves the public and many have explained how it is a disservice to both the public and the regulated. Additionally 93/7 ratio is a myth; it can be changed at will by staff in their recommendations and by the commissioners in its application.

Conclusion number three; the commission will not codify procedure into rule. The commissioners want to regulate but not be held accountable or even provide us with rules we can follow. This is a gross disservice to the public and us.

Conclusion number four; change the fuel surcharge methodology by the end of July 2006. Not done. Despite our suggestions on a very simple subject, the commissioners have been unable or unwilling to produce such change. In fact, staff refuses to provide us with any indication of what the staff's or commissioner's direction is on this matter to date. Here you try using the Chairman's letter as an explanation, but he has not even produced the results that he promised.

Conclusion number five; that the CR-102 be limited to WAC 480-30-306. No body cares about that change, that is why there were no comments. This is not what the CR-101 was about. It is not what four years of effort was about. Change a comma, require no smoking signs, it doesn't address the issue and doesn't warrant comment.

All of that having been said, you and Penny have never answered my question. I have asked it many times, it has been studiously ignored, I would now like a simple answer without the fluff:

What specific section of the RCW precludes the commissioners from making changes to the WAC regarding rates and entry?

Penny hasn't answered it, David Danner hasn't answered it and you haven't answered it. The whole purpose of my letter to Penny was to have that question answered. Since you have taken the time and effort to respond for her, could you not have answered that one question? If it is possible for anyone at WUTC to answer this question I await their reply. It's that simple.

As to commenting to the WUTC on the specifics of the proposed legislation, I find it a waste of my time. I have spent hundreds of hours on comments previously only to have had them ignored. My over twenty years of successful management, to the public benefit, in the transportation industry doesn't seem to count for much. I will take our comments where they be given some credibility.

Chris your letter is a classic example of what we perceive to be wrong at the WUTC. You don't listen. You send me a two page letter telling me that the commissioners paid heed to our comments and then rejected every single significant one and then ignore the intent of my letter. I asked specific questions and pointed out what I felt was lacking in Penny's memo. To that you simply responded that since only 480-30-306 was to be addressed, any question regarding rate setting methodology, which was the whole point of this docket, was not addressed at the hearing. Where exactly should we voice our concerns? As usual we do not get answers, we get double-speak. We feel that the staff is and has been presenting misinformation or flawed information to the commissioners. When this has been pointed out there has been an active culture of "stop whining, go away".

Until individuals are responsible for their work product and statements, or lack thereof, I see no change. Where there is no accountability there is no responsibility and every thing comes down to the weakest link. We are no longer prepared to accept anything less than

excellence from out tax supported institutions. That means each individual that affects us and the public. I still see your changed tasking at WUTC as a positive move. I can only hope that you will help move staff from a corporate mentality to one of individual accountability. In the future I look forward to working with you on other issues. On this particular one the commission has made its position clear and there is no further purpose in our participating with the WUTC directly on it. If you, the AAG, or anyone at the WUTC will answer our remaining question, I eagerly await their reply.

Sincerely,

Mike Lauver
Seatac Shuttle, LLC