

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

JAKE SHARPE d/b/a
NORTH CASCADES NURSERY,
JAKE'S HIWAY 2 SPORTS

Petitioner,

Requesting Forbearance from Rate and
Service Regulation as an Auto
Transportation Company Under RCW
81.68.015 and Exemption from the
Provisions of WAC 480-30-096 Relating
to Application Filing Requirements

DOCKET TC-180943

ORDER 01

ORDER GRANTING
FORBEARANCE FROM RATE AND
SERVICE REGULATION AS AN
AUTO TRANSPORTATION
COMPANY AND EXEMPTION
FROM RULE

BACKGROUND

- 1 On November 16, 2018, Jake Sharpe d/b/a North Cascades Nursery, Jake's Hiway 2 Sports (Jake's Hiway 2 Sports or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting the Commission grant forbearance from rate and service regulation as an auto transportation company under RCW 81.68.015, and requesting the Commission grant an exemption from the application requirements of WAC 480-30-096(3)(c), (d), (f) and (g).
- 2 The Company seeks to provide passenger transportation service from Goldbar, Washington to Steven's Pass Ski Area and points in between solely for recreational purposes as a non-essential transportation service. The Company's customers are tourists engaging in winter sports and activities at Steven's Pass Ski Area.
- 3 RCW 81.68.015 excludes from rate and service regulation passenger carrier service that is not an essential transportation service, is provided solely for recreation purposes, and does not adversely affect any current fully-regulated auto transportation certificate holder.
- 4 As of the date of this order, there are no fully-regulated auto transportation companies providing service on the proposed route.

5 RCW 81.68.015 requires that a company granted exemption from regulation obtain a
charter and excursion certificate under RCW 81.70.

6 Commission staff (Staff) concludes that the service provided by the Company meets the
exemption criteria of RCW 81.68.015.

7 In addition, the Company requests an exemption from WAC 480-30-096(3)(c), (d), (f)
and (g). Staff agrees with the Company that documents such as financial statements,
ridership forecasts, tariffs, and time schedules are not necessary for the Commission to
determine whether the Company should be exempted from regulation. Staff supports the
Company's request for exemption from WAC-480-30-096(3)(c), (d), (f) and (g).

DISCUSSION

8 We agree with Staff's recommendation and grant the Company's petition, requesting for
forbearance from rate and service regulation under RCW 81.68.015. The Company's
proposed service is not an essential transportation service, is provided solely for
recreation purposes, and does not adversely affect any current fully-regulated auto
transportation certificate holder. We also agree with Staff's recommendation to grant the
Company's request for an exemption from the application requirements of
WAC 480-30-096(3)(c), (d), (f) and (g).

FINDINGS AND CONCLUSIONS

- 9 (1) The Commission is an agency of the State of Washington vested by statute with
the authority to regulate the rates, rules, regulations, practices, accounts and
affiliated interests of public service companies, including charter and excursion
and auto-transportation companies.
- 10 (2) Jake Sharpe d/b/a North Cascades Nursery, Jake's Hiway 2 Sports, is a public
service company subject to Commission jurisdiction.
- 11 (3) Under RCW 81.68.015, the Commission may grant forbearance from the
application of RCW 81.68 if it finds that a service does not serve an essential
transportation purpose, is solely for recreation, and will not adversely affect the
operations of an auto transportation certificate holder.

- 12 (4) The Company's proposed service between Goldbar, Washington and Steven's Pass Ski Area and points in between does not serve an essential transportation service, is solely for recreation, and will not adversely affect the operations of any current auto transportation certificate holder.
- 13 (5) The Company is subject to WAC 480-30-096, which requires auto transportation companies to file certain documents in its application to the Commission.
- 14 (6) Under WAC 480-07-110(1), the Commission may grant an exemption from filing requirements if doing so is consistent with the public interest, applicable rules, and underlying statutes.
- 15 (7) The Company has demonstrated that its requested exemption from WAC 480-30-096 meets the criteria set out in WAC 480-07-110(1).
- 16 (8) This matter came before the Commission at its regularly scheduled meeting on December 28, 2018.
- 17 (9) After review of the petition filed in Docket TC-180943 by Jake Sharpe d/b/a North Cascades Nursery, Jake's Hiway 2 Sports, on November 16, 2018, and giving due consideration, the Commission finds that granting the request for forbearance from rate and service regulation, and exemption from WAC 480-30-096(3)(c), (d), (f), and (g) is in the public interest, and is consistent with the purposes underlying the regulation and applicable statutes. Accordingly, the Petition should be granted.
- 18 (10) Staff's determination and the Commission's review neither approves nor disapproves the reasonableness of any fees, charges, rates, purchase price, or accounting allocations.

ORDER

THE COMMISSION ORDERS:

- 19 (1) The request by Jake Sharpe d/b/a North Cascades Nursery; Jake's Hiway 2 Sports, for forbearance from rate and service regulation under RCW 81.68.015 is granted.

- 20 (2) Jake Sharpe d/b/a North Cascades Nursery; Jake's Hiway 2 Sports is exempted from complying with the requirements of WAC 480-30-096(3)(c), (d), (f), and (g) for the purposes of the petition filed in this docket.
- 21 (3) Jake Sharpe d/b/a North Cascades Nursery; Jake's Hiway 2 Sports must maintain its charter and excursion permit in good standing with the Commission.
- 22 (4) The Commission retains jurisdiction over the subject matter and Jake Sharpe d/b/a North Cascades Nursery; Jake's Hiway 2 Sports, to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective December 28, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary