

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application No. D-079093 of	)	
	)	DOCKET NO. TC-021110
BLACK HILLS	)	
TRANSPORTATION AND	)	
AIRPORT SERVICES, INC.,	)	COMMISSION DECISION AND
	)	ORDER GRANTING TRANSFER
For Authority to Transfer all Rights	)	APPLICATION
Under Certificate No. C-993,	)	
Standing in the Name of Sharyn	)	
Pearson and Linda Zepp, d/b/a	)	
Centralia SeaTac Airport Express,	)	
to Black Hills Transportation and	)	
Airport Services, Inc., d/b/a	)	
Centralia SeaTac Airport Express.	)	
.....	)	

1 **Synopsis.** *The Commission approves an application to transfer Certificate No. C-993, Standing in the Name of Sharyn Pearson and Linda Zepp, d/b/a Centralia SeaTac Airport Express, to Black Hills Transportation and Airport Services, Inc., d/b/a Centralia SeaTac Airport Express.*

2 **Proceedings.** On June 21, 2002, Black Hills Transportation and Airport Services, Inc. (Black Hills) and Sharyn Pearson and Linda Zepp, d/b/a Centralia SeaTac Airport Express filed a joint application for authority to transfer all rights under Certificate No. C-993, standing in the name of Sharyn Pearson & Linda Zepp, d/b/a Centralia-SeaTac Airport Express (Pearson/Zepp) to Black Hills Transportation and Airport Services Inc., d/b/a Centralia SeaTac Airport Express (Black Hills).

3 The Application was given number D-079093 and notice of the Application was published in the Commission’s weekly docket of September 3, 2002. On

September 23, 2002, Pacific Northwest Transportation Services, Inc., d/b/a Capital Aeroporter (Capital Aeroporter) protested, opposing the transfer. The protest questioned the fitness of the applicants, and complained of confusion caused by applicant's use of a "doing-business-as" (d/b/a) designation similar to a d/b/a used by Capital Aeroporter.

4 The matter was set for hearing, and the hearing convened at 9:30 a.m. on December 11, 2002, in Olympia, Washington. At the outset of the hearing, Capital Aeroporter withdrew its protest to the application, and was excused from the remainder of the proceeding. The applicants presented the testimony of Linda Zepp, establishing that the transferee is financially fit, and is familiar with the laws and rules of the Commission.

5 **Parties.** David K. Palmer, attorney, Olympia represents Black Hills Transportation and Airport Services, Inc., d/b/a Centralia Sea-Tac Airport Express; James N. Fricke, president, represents Pacific Northwest Transportation Services, Inc.; and Shannon Smith, assistant attorney general, represents the staff of the Washington Utilities and Transportation Commission.

6 **Discussion and Decision.** On August 21, 2002, the Commission approved a settlement agreement granting a security interest in Certificate No. C-993 to Linda Zepp in *In re Application No. D-078959 of Pearson, Sharyn and Zepp, Linda d/b/a Centralia-SeaTac Airport Express*, Docket No. TC-010273 (August 2002). The current transfer application is the second step in transferring the partnership's certificate to a corporation fully owned by partner Linda Zepp.

7 The Commission approves Application No. D-079093 by Sharyn Pearson and Linda Zepp, d/b/a Centralia SeaTac Airport Express to transfer Certificate No. C-993 to Black Hills Transportation and Airport Services, Inc., d/b/a Centralia SeaTac Airport Express. Protestant Pacific Northwest Transportation Services, Inc. d/b/a Capital Aeroporter has withdrawn its protest. The transferee is fit, willing, and able to operate the service. The Commission accepts the parties' waiver of an initial order in this proceeding.

**FINDINGS OF FACT**

- 8 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including auto transportation companies.
- 9 (2) Pearson, Sharyn & Zepp, Linda, d/b/a Centralia-SeaTac Airport Express is an “auto transportation company” as defined in RCW 81.68.010(3) and as that term otherwise may be used in Title 81 RCW. Pearson, Sharyn & Zepp, Linda, d/b/a Centralia-SeaTac Airport Express is engaged in Washington State in the business of supplying airporter services between Lewis and Thurston Counties and SeaTac Airport under authority of Certificate No. C-993 to the public for compensation.
- 10 (3) Linda Zepp, David Zepp, Sharyn Pearson, Everett Pearson, Robert W. Hastings, Patricia Hastings, and Arthur C. Davenport made a Settlement Agreement dated November 7, 2001 to resolve litigation in Thurston County Superior Court action No. 01-2-00418-0. As part of this Settlement Agreement, Centralia-SeaTac Airport Express, LLC (the LLC) executed and delivered a Promissory Note dated December 10, 2001 to Linda Zepp and David Zepp, wife and husband (the Zepps). That agreement provides the basis for the Zepp’s claim of a security interest in Certificate No. C-993. The Commission authorized the security interests granted in favor of the Zepps against Auto Transportation Certificate C-993 in *In re Application No. D-078959 of Pearson, Sharyn and Zepp, Linda d/b/a Centralia Sea-Tac Airport Express*, Docket No. TC-010273 (August 2002).
- 11 (4) Linda Zepp has formed Black Hills. She is president of the corporation and owns 100 percent of its stock.

- 12 (5) The Black Hills will be adopting the time schedule and tariff of the transferor.
- 13 (6) Linda Zepp is familiar with the laws and rules governing auto transportation companies.
- 14 (7) The transferor owns five vans that are used in its operations, and Black Hills will use the same vans, at least initially. The registration and title of the vehicles will be put in the name of Black Hills.
- 15 (8) The transferor/transferee has insurance that meets the Commission's requirements for adequate insurance on the vans it operates.
- 16 (9) The transferor/transferee has a maintenance plan for care of its vehicles.
- 17 (10) The Black Hills has total assets of \$103,000. This amount will be sufficient to allow the transferee to carry the company forward in a businesslike, appropriate manner.
- 18 (11) The transferee has demonstrated regulatory and financial fitness.
- 19 (12) At the hearing on December 11, 2002, the following parties waived their right to petition for administrative review under WAC 480-09-780(2) and requested that the Commission enter a final order under WAC 480-09-780(8): David K. Palmer, for Black Hills; and Shannon Smith for Commission Staff.

## V. CONCLUSIONS OF LAW

- 20 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of, and parties to, this proceeding. *Title 81 RCW.*

- 21 (2) The transfer of Certificate 993 of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Transportation Service to Black Hills is in the public interest, and meets the public convenience and necessity.
- 22 (3) The parties waived their right to petition for administrative review under WAC 480-09-780(2). The Commission should accept this waiver.

**ORDER**

THE COMMISSION ORDERS:

- 23 (1) Auto Transportation Certificate C-993 is transferred from Pearson, Sharyn & Zepp, Linda, d/b/a Centralia-SeaTac Airport Express to Black Hills Transportation and Airport Services, Inc.
- 24 (2) The protest of Pacific Northwest Transportation Services, Inc. d/b/a Capital Aeroporter is dismissed.

Dated at Olympia, Washington, and effective this \_\_\_\_\_ day of January, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

**NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).**