Whidbey Seatac Shuttle

Seatac Shuttle, LLC

March 21, 2011 **DOCKET T-101661**

Mr. David Danner, Exec Sec
Washington Utilities and Transportation Commission
1300 S Evergreen Park DR SW
PO Box 47259
Olympia, WA 98504-7250

Subject**: Initial Comment regarding staff's proposal**

Dear Mr. Danner:

I am in receipt of the electronic "courtesy copy" of the Notice of Staff Recommendation for Fuel Surcharges. This arrived by email at 2:50 PM on March 19, 2011, a Friday afternoon after I had left the office. No official notice has yet been received. The staff has had two months to communicate with the stakeholders since the last open meeting at which time the Commission granted 90 days for review and study of staff's then proposals. No communication, interaction, or further meetings have been held and now staff submits a proposal for deferred accounting, whatever that may mean, with a deadline for comments only eleven days from today. I should not be surprised, at the last open meeting; staff presented their proposal at the meeting with no fore notice to the stakeholders. Throughout this process there has been an obvious attempt by staff to keep the stakeholders uninformed and to "spring" their proposals at the last possible moment so that review is limited and under pressure. I also point out that the last open meeting at which this was discussed was not noticed and was a complete surprise to the stakeholders.

This concerted course of action will not be countenanced anymore. We have experienced delay, inaction, inattention, obscuring of investigations, hidden agendas and now an outright attack on our industry. In this particular instance, the Commission granted ninety days for review of existing proposals, not the last minute introduction of yet another proposal that has never been put before the autotransportaion stakeholders. The summary states that "*After considering written comments and the discussions at the two stakeholder meeting*s…", this is a falsehood. No such consideration was given as the proposed method was put forth as staff's recommendation only for the Waste Haulers and never for transportation. In addition, it was, I believe, the unanimous position of the waste haulers that the deferred accounting method was unacceptable as a methodology. Not only does it resurface for the waste haulers but is now being imposed upon auto transportation.

Did staff sleep through the meeting and the comments? The only determination, agreed to by all parties, was that waste haulers and autotransportaion are separate and dissimilar industries and

must be treated accordingly. Yet here we are with the same methodology proposed for both industries. Staff insists on the "one size fits all" course of doing business.

I ask you the following questions and expect the courtesy of a timely reply:

A Explain to me how the Commission and its staff have exempted themselves from Executive Order 10-06.

B Please explain the justification for this new proposal at this very late date.

C Explain staff's continued and historical rigorous avoidance of real market factors such as regional and national market comparisons in their never ending quest to micro-manage us.

D Explain how an older, lower base fare with a variable **cost** recovery mechanism, fuel surcharges, which results in a lower fare to the customer creates "no confidence" among the staff as to the fairness of the fares?

F It appears from staff's background comments that only companies with no growth are "good" companies and that any exhibit of growth and the resulting increase in revenues, (without staff considering increased expenses) is bad. Is it the goal of the staff to limit growth or to eliminate as a whole the autotransportaion industry?

In closing, I point out that this issue is further confused by staff creating two dockets in this matter, A-042090 and T-101661. The investigation of fuel surcharges was opened under A-042090 and all orders have been issued under that docket. At a hearing under that docket staff was directed to hold stakeholder workshops on the issue. Instead staff opened a CR101 docket under a new number, T-101661. While the current solicitation of comments is under the "T" docket the ruling affected by the comments are under the "A" docket. The intent of the workshops was to create a dialog among stakeholders and staff. As it has transpired we are set upon a rule making course in a formal procedure like a run-away freight train without regard for the Governor's explicit directions.

I look forward to your timely reply,

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