

8/19/2011

Response to Initial Order of Default
Docket # 110733

Written motion requesting the order be vacated and
the proceeding reopened for further process.

Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

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PROCEDURES MANAGEMENT
2011 AUG 22 PM 2:16
STATE OF WASH
UTIL. AND TRANSP
COMMISSION

Dear Mr. Danner,

Per WAC 480-07-450(2) I am requesting that the initial order of default in docket # 110733 be vacated for the following reasons:

Let it first be noted that the Commission Staff, in section 7 of the order, have already determined that the hearing should not have been necessary since under C-975 Shuttle Express does not have operating authority for the route sought by Excalibur. Shuttle Express has been operating on the route proposed by Excalibur for several years without the permission of the UTC, which is a violation of their operational certificate, and has done harm to Excalibur by causing unnecessary delays for both Excalibur and the Commission. Also, in section 10, it is noted that the Commission does not support the Order of Default as, without the invalid protest of Shuttle Express, the hearing would never have been necessary.

Unfortunately in mid July my mother's health took a turn for the worse and she was admitted to hospice care at home. Her condition at this time requires that she be kept under 24-hour watch. Due to this I have been living at my parents home since mid-July in order to alleviate the burden on my father and to spend as much time with my mother as possible before she passes on. I had received an email from the UTC's Kippi Walker, on 7/13 asking what day would work for a court date with dates as late as August 19th. As my mother was being admitted to the hospice program at this time I determined it best to wait and see what her condition would require before replying, supposing that the date as late as August 19th would probably be the best of the suggested times. However, because of Shuttle Express's invalid protest there would also be time and money involved in finding and meeting with lawyers so the reply email was put on hold until my availability could be better ascertained.

Being at my parents house I was having a friend check my mail every few days and asked him to notify me if he noticed any certified mail in the bunch as the UTC has communicated with me that way before. I also kept an eye on my email to see if anything developed further. However, in the application process I had put an email on the application of "k@kwilliams.com", my personal address, rather than my business email, "kevin@seattlegreenlimo.com". The business address forwards to my gmail account as well as my home computer, the personal email does not. With my mother's condition confirming the correct email address never crossed my mind as I almost exclusively use the business email address. Because of this oversight I completely missed the UTC email, 5 days after the original request, schedule the prehearing conference made necessary by Shuttle Express's invalid protest.

Additionally I had no reason to suspect that I should check the docket search since I had yet to respond to the email requesting scheduling dates. Consequently I was surprised to receive an email from Tina Leipski on August 3rd telling me that I had missed the conference, held on the first of many possible dates I had yet to choose from.

I do apologize to the Commission Staff and anyone else required at the hearing on the 3rd for not attending. I wish that circumstances were different for myself and my family at this point. And I would humbly ask, at this point, that the extenuating circumstances listed above be taken into consideration, along with the Commission's opinion that the conference should never have been necessary, and vacate the initial order of default.

I would also request that Shuttle Express, which clearly has been operating outside their permitted route to their financial gain to the tune of tens of thousands of dollars be sanctioned harshly. As clearly stated on the Auto Transportation Company Application companies "must have a certificate from the commission before operating as a passenger transportation company in the state of Washington.." and Shuttle Express has been using the limited jurisdiction of C-975 to operate carte blanche. Before beginning this process and investing the time and money into it I made sure to obtain every certificate from the UTC and study them carefully and Shuttle Express's insistence on protesting and delaying Excalibur's application has made all of this necessary, and lined their own pockets, without the correct permission, for another month. Unfortunately, the financial motivation to file spurious protests, and their attempt to solidify their own illegal activity, has proved too strong to resist tying up the Commission's and Excalibur's time and resources.

Thank you for your time and please let me know if there is any other paperwork necessary.

Sincerely,
Kevin Williams
Excalibur Limousine LLC
Note alternate email contact: Kevin@seattlegreenlimo.com

15810 74th Ave NE
Kenmore, WA 98028

"I hereby certify that I have this day served this document upon all parties of record in this proceeding, by USPS certified mail."

Dated at SEATTLE

this 14th day of 2011

CCY
(signature of person who served the document)

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STATE OF WASH
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COMMISSION