

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of:	DOCKET TC-190579
BREMERTON KITSAP AIRPORTER, INC.,	ORDER 01
For an Exemption from WAC 480-30- 316(2)	ORDER GRANTING PETITION FOR EXEMPTION

BACKGROUND

- 1 On July 5, 2019, Bremerton Kitsap Airporter, Inc., (BKA or Company) filed with the Washington Utilities and Transportation Commission (Commission) tariff revisions removing a stop at the Holiday Inn Express on Pacific Avenue in Lakewood, and changing certain departure times. On July 18, 2019, the Company filed both revised pages and a petition for exemption from WAC 480-30-316(2), notice to the public (Petition). The Company provides scheduled auto transportation services from points in Kitsap County and Joint Base Lewis McChord, (JBLM) to Paine Field and SeaTac International Airport.
- 2 Under WAC 480-30-316(2), companies must provide 30 days' notice to the public prior to any changes that would restrict access to services, which includes route reductions and time schedule changes. The tariff and time schedule changes filed by the Company would eliminate some stops and change the times of other scheduled stops, all of which are subject to the 30-day notice requirement.
- 3 The Company filed a Petition for an exemption from the 30-day notice requirement in WAC 480-30-316(2) on July 19, 2019. The Company requests an August 5, 2019, effective date for the tariff changes. In its Petition, the Company states it posted a notice on July 18, 2019, at its office and on its website as required by the WAC, and will leave the notice up for the required time period. But, if the rule is waived, the notice period will be 19 days prior to the effective date.

- 4 The Company explained in its Petition that the exemption is necessary because it is no longer allowed to stop at the Holiday Inn Express. The Company's auto transportation certificate authority was recently modified to include a stop at the Holiday Inn Express,¹ and the Company initiated service on July 1, 2019.
- 5 WAC 480-07-110 allows the Commission, in response to a petition for exemption, to grant an exemption from the application of its rules in individual circumstances if that exemption is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 6 Commission staff (Staff) supports the Company's Petition. Due to circumstances beyond the Company's control, it is required to modify its tariff and time schedule. Additionally, the Company has assured Staff that customers with prior reservations will be accommodated if they need to make changes, and the Company's publishes to its website the most current schedule. Further, the Company has posted the required notice for at least a portion of the required notice period, and will keep the notice posted for a time after the effective date of the schedule changes.

DISCUSSION

- 7 We grant the Company's Petition for exemption from the required 30-day public notice period. Under WAC 480-07-110(1), the Commission may grant an exemption from any of its rules if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes. We find that the Company's Petition meets this standard because allowing the changes to take place on shortened notice will increase convenience and improve service for its customers sooner rather than later. Because the proposed changes would be potentially harmful to customers if not implemented, we find that granting the Petition is consistent with the public interest, the purposes underlying regulation, and applicable statutes, and we conclude that it should be granted.

¹ Order 01, TC-181008 issued April 12, 2019 and Time Schedule #26 filed in TC-190481.

FINDINGS AND CONCLUSIONS

- 8 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rules, regulations, and practices of auto transportation companies.
- 9 (2) BKA is an auto transportation company and a public service company subject to Commission jurisdiction.
- 10 (3) This matter came before the Commission at its regularly scheduled meeting on July 26, 2019.
- 11 (4) On July 18, 2019, BKA filed a Petition for Exemption from the Commission's 30-day public notice requirement, WAC 480-30-316(2), so that it may implement time schedule changes to streamline operations and provide better service to its customers.
- 12 (5) Pursuant to WAC 480-07-110(1), the Commission may grant an exemption from any of its rules if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 13 (6) After reviewing BKA's Petition and giving due consideration to all relevant matters and for good cause shown, the Commission finds that granting BKA's Petition is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

ORDER

THE COMMISSION ORDERS:

- 14 (1) Bremerton Kitsap Airporter, Inc.'s Petition for exemption from WAC 480-30-316(2) is granted.
- 15 (2) The Commission retains jurisdiction over the subject matter and Bremerton Kitsap Airporter, Inc. to effectuate the terms 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 Lacey, Washington, and effective July 26, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary