

[Service Date June 18, 2013]

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TC-120323
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 01
)	
v.)	PREHEARING CONFERENCE
)	ORDER; NOTICE OF HEARING
SHUTTLE EXPRESS, INC.,)	(Evidentiary Hearing Set for
)	August 1, 2013, at 9:30 a.m.)
Respondent.)	
.....)	

1 **NATURE OF PROCEEDING.** This proceeding arises out of a Complaint filed on May 1, 2013, by the Washington Utilities and Transportation Commission (Commission) against Shuttle Express, Inc. (Shuttle Express or Company).

2 The Complaint alleges that between October 2010 and September 2011, Shuttle Express operated an independent contractor program to transport passengers on occasions when the Company’s own drivers and equipment were not readily available to ensure customers would not miss scheduled flights out of Seattle-Tacoma International Airport. The Complaint alleges that the Company violated WAC 480-30-213(2), WAC 480-30-216(6), WAC 480-30-456, and Order 01 entered in Docket TC-072228 on July 11, 2008.

3 On May 24, 2013, Shuttle Express filed an answer denying all allegations.

4 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington, on Tuesday, June 18, 2013, before Administrative Law Judge Adam E. Torem, whom the Commission appoints as presiding officer in this matter.

5 **APPEARANCES.** Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, WA, represents the Commission’s regulatory staff (Commission Staff or

Staff).¹ Jimmy Sherrell, Renton, WA, represents Shuttle Express. Contact information for the parties' representatives is attached as Appendix A to this order.

6 **INTERVENTION.** The Commission did not receive any requests for intervention.

7 **DISCOVERY.** The parties agreed that formal discovery is not anticipated to be necessary in this matter.

8 **PROCEDURAL SCHEDULE.** The parties agreed on, and the Commission adopts, the following procedural schedule:

Thursday, July 25, 2013

Witness & Exhibit Lists

Thursday, August 1, 2013

Evidentiary Hearing (beginning at 9:30 a.m.)

The procedural schedule is included in this Order as Appendix B.

9 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter commencing on **Thursday, August 1, 2013, at 9:30 a.m.**, in Room 108, First Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

10 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an **original plus 5 copies** of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

11 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S.

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See RCW 34.05.455.

Evergreen Park Drive S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

- 12 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to <records@utc.wa.gov >. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette, a flash drive, or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 13 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus 5 paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge at atorem@utc.wa.gov as well as to the parties to the proceeding.
- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.

15 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective June 18, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKET TC-120323

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Shuttle Express, Inc.	Jimmy Sherrell 800 SW 16 th Street Renton, WA 98057	206-930-6057		jimysh@attglobal.net
Commission Staff	Jennifer Cameron-Rulkowski Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1186	360-586-5522	jcameron@utc.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TC-120323**

<u>EVENT</u>	<u>DATE</u>
Witness & Exhibit Lists	Thursday, July 25, 2013
Evidentiary Hearing	Thursday, August 1, 2013