

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

GATEWAY SHUTTLE SERVICE, INC.

for Certificate of Public Convenience and  
Necessity in Furnishing Passenger and Express  
Service.

Docket No. TC-051063

Application No. D-79387

RESPONSE TO MOTION TO DISMISS  
BY GATEWAY SHUTTLE SERVICE,  
INC.

1           Evergreen Trails, Inc. d/b/a Gray Line of Seattle ("Gray Line") opposes what is apparently a single-sentence motion to dismiss Gray Line's Protest ("Motion") filed by Gateway Shuttle Service, Inc. ("Gateway"). See Attachment A. The Motion, incorporated into Gateway's August 23, 2005 letter to the Commission, alleges that Gray Line's protest was late-filed.<sup>1</sup> In fact, Gray Line's Protest was timely filed. The Commission issued a public notice on August 1<sup>st</sup> announcing that Gateway filed its application, so Gray Line had 20 days from that date to file a protest. See Attachment B. The 20th day was August 21<sup>st</sup>, which is a Sunday. Where the time for filing a protest falls on a holiday, Saturday, Sunday, then the period for filing "runs until the end of the next day that is not an official state holiday, Saturday, or Sunday." WAC 480-07-130(1). Here, the next day meeting that criteria was Monday, August 22<sup>nd</sup>, which is the day that Gray Line filed its protest.

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<sup>1</sup> The sentence is "[m]ay it also be noted that the [Gray Line] protest was dated August 22, 2005 which is after the closing therefore we understand this protest to be invalid."

2

Gateway's motion is also improperly filed, because Gateway incorporated it into its August 23<sup>rd</sup> letter requesting to restrict the authority that Gateway seeks in this docket. Gateway may not combine the Motion with this letter, because "[p]arties must file motions separately from any pleading or other communication with the Commission. The Commission will not consider motions that are merely stated in the body of a pleading or within the text of correspondence." WAC 480-07-375. Accordingly, the Commission should dismiss Gateway's Motion.

DATED this 30<sup>th</sup> day of August, 2005.

MILLER NASH LLP

By:   
\_\_\_\_\_  
David L. Rice

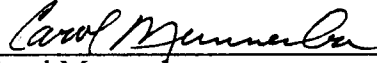
Attorneys for Evergreen Trails, Inc.  
d/b/a Gray Line of Seattle

CERTIFICATE OF SERVICE  
WUTC DOCKET NO. TC-051063

I hereby certify under penalty of perjury that I caused to be served as noted below,  
a copy of the Protest and Request for Adjudicative Proceeding and Oral Hearing on the  
Applicant at the following address:

Jeffrey L. Porter  
Gateway Shuttle Service, Inc.  
**(Certified mail, return receipt requested)**  
P. O. Box 883  
Carlsborg, WA 98324

Dated this 30<sup>th</sup> day of August, 2005.

  
\_\_\_\_\_  
Carol Munnerlyn  
Secretary

**ATTACHMENT A**

**Gateway Shuttle Service Inc.**

PO Box 883  
Carlsborg WA 98324  
509-307-4145  
fax 360-417-5050

RECEIVED  
AUG 23 2005  
MILLER NASH LLP

August 23, 2005

Ms Carol Washburn  
Washington Utilities & Transportation Commission  
1300 S. Evergreen Park Drive SW  
PO Box 47250  
Olympia, WA 98504

RE: Protest by Evergreen Trails Inc. against Docket No. TC-051063

Dear Ms Washburn,

Enclosed is more clarification on our tariff regarding closed service between Tacoma and Seattle. Gateway Shuttle has no interest nor intent to provide service between Tacoma and Seattle although the route will pass through those areas. May it also be noted that the protest was dated August 22, 2005 which is after the closing therefore we understand this protest to be invalid.

Sincerely,



Linda Yip

cc: Miller Nash LLP

1 Enclosure

Gateway Shuttle Service, Inc.  
Po Box 883  
Carlsborg WA 98324

**PASSENGER SERVICE:** Door-to-door, by reservation only:

**BETWEEN:** Clallam and Jefferson Counties, and Seattle and Tacoma hospitals, Amtrak stations, Greyhound stations, and the Seattle-Tacoma International Airport and with flag stops in Kitsap County with closed door service between Clallam and Jefferson Counties, and the indicated points in King and Pierce Counties and closed door service between Kitsap County and Seattle Internations Airport.

**BETWEEN:** Clallam and Jefferson Counties and Port Townsend, Port Ludlow, and Silverdale, for passengers whose point of origin or point of destination is in Clallam or Jefferson County.

**Limitations:** All passengers transported by Gateway Shuttle Service Inc. must have either their origin or their destination in Clallam or Jefferson county.

**Conditions:** Gateway may not provide service to passengers from any point served by Heckman Motors, Inc., d/b/a Olympic Bus Lines, under Certificate No. C-992 without advance reservations made at least one hour in advance of the pick-up times at each such point indicated by Heckman Motors, Inc., d/b/a Olympic Bus Lines, schedule as published from time-to-time in accordance with WAC 480-30-060.

The holder of this certificate may operate a five foot by eight foot trailer when such a trailer is used to carry baggage or express and is towed by a vehicle in which passengers are being transported.

**ATTACHMENT B**

RECEIVED

AUG 01 2005

# Docket

## WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Chandler Plaza Building  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, Washington 98504

August 1, 2005

This docket of permanent operating authority applications pending and temporary operating authority applications granted is issued pursuant to the provisions of Title 81 and WAC 480 of the Commission's Laws and Rules.

### PERMANENT OPERATING AUTHORITY APPLICATIONS PENDING.

As provided in WAC 480-30-032 AUTO TRANSPORTATION COMPANY application filings are subject to protest for 20 days from the date they appear on this docket. Protests must be filed according to the provisions of rule and must set out the specific grounds for opposing the application and must contain a concise statement of the protestant's interest in the proceeding.

#### Auto Transportation

<u>Application</u>	<u>Date Filed</u>	<u>Applicant &amp; Service Desired</u>
Docket No. TC-051063	07-08-2005	GATEWAY SHUTTLE SERVICE, INC PO BOX 883 CARLSBORG, WA 98324

Application No.  
D-79387

PASSENGER SERVICE: Door-to-door, by reservation only:

**BETWEEN:** Clallam and Jefferson Counties, and Seattle and Tacoma hospitals, Amtrak stations, Greyhound stations, and the Seattle-Tacoma International Airport with flag stops in Kitsap County with closed door service between Clallam and Jefferson Counties, and the indicated points in King and Pierce Counties..

**BETWEEN:** Clallam and Jefferson Counties and Port Townsend, Port Ludlow, and Silverdale, for passengers whose point of origin or point of destination is in Clallam or Jefferson County.

**Conditions:** Gateway may not provide service to passengers from any point served by Heckman Motors, Inc., d/b/a Olympic Bus Lines, under Certificate No. C-992. without advance reservations made at least one hour in advance of the pick-up times at each such point indicated by Heckman Motors, Inc., d/b/a Olympic Bus Lines, schedule as published from time-to-time in accordance with WAC 480-30-060.

The holder of this certificate may operate a five foot by eight foot trailer when such a trailer is used to carry baggage or express and is towed by a vehicle in which passengers are being transported.

