

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application TC-082064 of)	DOCKET TC-082064
)	
MILLER SCHMER, INC., d/b/a)	
SEATTLE EXPRESS)	
)	
For Extension of Authority under)	NOTICE OF PREHEARING
Certificate No. C-1052, For a)	CONFERENCE
Certificate of Public Convenience and)	(Set for March 25, 2009,
Necessity to Operate Motor Vehicles in)	at 1:30 p.m.)
Furnishing Passenger and Express)	
Service as an Auto Transportation)	
Company)	
)	
.....)	

- 1 On November 14, 2008, Miller Schmer, Inc., d/b/a Seattle Express (Seattle Express or Applicant), filed with the Washington Utilities and Transportation Commission (Commission) an application for an extension of Certificate No. C-1052 for a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company (Application). Notice of the Application was published in the Commission’s weekly Docket of November 21, 2008.

- 2 On January 8, 2009, the Commission issued a notice of prehearing conference in this proceeding, scheduling the conference for February 4, 2009.

- 3 On January 28, 2009, the Commission cancelled the February 4, 2009, prehearing conference because it had come to the Commission’s attention that the notice of the application in the Transportation Docket contained an erroneous description of the proposed service route. Notice of the Application was corrected and re-published in the Commission’s weekly Docket on January 27, 2009.

- 4 The Applicant requests its authority be revised to include passenger service between “hotels in the City of Tukwila, South Center Mall, Pike Place Market, and Cruise Terminals 90-91 along the following route: East on 180th Street, merging onto

Highway 509 North which becomes East Marginal Way, then take the Western Avenue exit off East Marginal Way, then take Western Avenue 1.1 miles, then turn slight left onto Elliot Avenue for 1.2 miles, then turn right onto Magnolia Bridge, go over bridge and proceed into Terminal 90-91 Lot and return over the same route.”

5 On December 19, 2008, and February 17, 2009, Evergreen Trails, Inc., d/b/a Gray Line of Seattle filed a protest to the Application.

6 The issues in this proceeding include whether the issuance of an extension of authority to Seattle Express, for the service it proposes, is necessary and is otherwise consistent with the public interest, and whether other carriers authorized to serve in the requested territory will not provide service to the satisfaction of the Commission.

7 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate persons seeking to furnish auto transportation services under RCW 81.68 and WAC 480-30. The statutes that apply to this matter include RCW 80.01, RCW 81.04, RCW 81.28, and RCW 81.68, including but not limited to RCW 80.01.040, RCW 81.04.020, RCW 81.68.030 and RCW 81.68.040. The rules that apply to this matter include those within WAC 480-30 and WAC 480-07.

8 The Commission sets a prehearing conference to discuss preliminary matters, the hearing process, and to formulate the issues. The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including hearing dates, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

9 **THE COMMISSION GIVES NOTICE That the Commission will hold a prehearing conference in this matter at 1:30 p.m., on March 25, 2009, in Room 108, First Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the Commission’s teleconference bridge line at **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

10 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

11 The names and mailing addresses of all known parties and their known representatives are as follows:

Applicant: Miller Schmer, Inc.
d/b/a Seattle Express
8020 180th Street SE
Snohomish, WA 98296
(206) 793-8430
schmerfamily@hotmail.com

Representative: Unknown

Protestant: Evergreen Trails, Inc.
d/b/a Gray Line of Seattle
4500 W. Marginal Way S.W.
Seattle, WA 98106

Representatives: David L. Rice, P.C.
Brooks E. Harlow
Miller Nash LLP
4400 Two Union Square
601 Union Street
Seattle, WA 98101
(206) 622-8484
david.rice@millernash.com

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Donald T. Trotter
Senior Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
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Olympia, WA 98504-0128
(360) 664-1189
dtrotter@utc.wa.gov

- 12 Administrative Law Judge Marguerite E. Friedlander, from the Commission's Administrative Law Division, will preside during this proceeding.
- 13 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective March 4, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
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NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary
Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____