

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In re Application No. D-079295 of)	DOCKET NO. TC-041353
)	
DIAMOND-WEST)	ORDER NO. 01
TRANSPORTATION CO, INC.)	
)	PREHEARING CONFERENCE
For Extension of Authority under)	ORDER
Certificate No. C-01054, For a)	
Certificate of Public Convenience)	
and Necessity to Operate Motor)	NOTICE OF PREHEARING
Vehicles in Furnishing Passenger)	CONFERENCE
and Express Service as an Auto)	(Set for Friday, January 7, 2005
Transportation Company.)	at 9:30 a.m.)

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1 **NATURE OF PROCEEDING.** Docket No. TC-041353 is an application by Diamond-West Transportation Co. Inc. (Diamond-West or Applicant) for an extension of authority¹ to furnish passenger and express service to include passenger service between Seattle and Ellensburg with service to Bellevue, Redmond, Issaquah, North Bend, Snoqualmie Pass, Easton, Cle Elum, intermediate points, and points within one mile of I-90, via I-90, SR-10, Sr-906, I-405, and SR-520. On October 21, 2004, Diamond-West amended its application to request authority for passenger service, excluding door-to-door service between Seattle, Snoqualmie Pass, including lodges and resorts within three (3) miles of Snoqualmie Pass, with service to Bellevue, Redmond, Issaquah, North Bend, Snoqualmie Pass, intermediate points, and points within one mile of I-90, via I-90, SR-10, I-405 and SR-520.

¹ Diamond-West currently holds authority under certificate number C-1035 to provide passenger service between Seattle and Ellensburg, via I-90, SR-10, SR-906, and SR-97 with all intermediate stops with service to off-route point of Redmond Via I-405 and SR-520.

- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on December 8, 2004, before Administrative Law Judge Theodora M. Mace.
- 3 **APPEARANCES.** William J. Davis, owner, represents Diamond-West. David L. Rice, attorney, Seattle, Washington, represents CWA, Inc. (CWA), protestant and Shuttle Express, Inc. d/b/a Shuttle Express (Shuttle Express), protestant. Jonathan Thompson, Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).² Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.
- 4 **PROTESTS.** Notice of this application was published in the Commission's weekly Docket of August 30, 2004. Within 20 days of publication, the Commission received protests from CWA, Shuttle Express and Wickkiser International Companies, Inc. On September 15, 2004, Wickkiser International Companies withdrew its protest. Pursuant to Diamond-West's October 21, 2004 amendment of its application, CWA withdrew its protest while on the record during the prehearing conference. Shuttle Express remains a protestant to the application.
- 5 **CONSOLIDATION.** Because CWA filed an application for overlapping authority contemporaneous with Diamond-West's, the Commission convened a prehearing conference for both applications on December 8, 2004. Pursuant to WAC 480-30-032, the Commission may consolidate overlapping applications for joint consideration. However, in this case, Diamond-West amended its

² In formal proceedings, such as this case, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

application, as noted above. The amendment eliminated the overlap between the two applications and removed the need for consolidation of the two applications.

6 **PROTECTIVE ORDER.** The parties do not require a protective order at this time.

7 **DISCOVERY.** The parties will not conduct discovery in this case, because it appears that the case may be settled.

8 **PROCEDURAL SCHEDULE.** As noted above, Diamond-West restrictively amended its application on October 21, 2004. This amendment satisfied the interest of CWA. At the prehearing conference, CWA withdrew its protest to the application. However, the amendment did not satisfy the interest of the remaining protestant, Shuttle Express. The following schedule was established to allow Diamond-West and Shuttle Express an opportunity to resolve their differences; or in the alternative, to establish a prehearing conference to set a further schedule of proceedings:

December 16, 2004	Filing of stipulated amendment to application and Shuttle Express withdrawal
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January 7, 2005	Filing of evidence in support of application, or, in the alternative, second prehearing conference to determine schedule
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9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus ten (10) copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must 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.

- 10 All filings must be mailed to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Executive Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 11 An electronic copy of all filings must be provided by e-mail delivery to <records@wutc.wa.gov>. Alternatively, Parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 12 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 9th day of December, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET NO. TC-041353**

COMPANY	REPRESENTATIVE AND ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
Diamond West Transportation Co., Inc.	WILLIAM J. DAVIS 18225 NE 416 th Enumclaw, WA 98022	360-802-1115	360-802-1119	diawest@foxinternet.com
CWA, Inc.	DAVID RICE Miller Nash, LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101-2352	206-662-8484	206-622-7485	David.rice@millernash.com
Shuttle Express	DAVID RICE Miller Nash, LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101-2352	206-662-8484	206-622-7485	David.rice@millernash.com
Commission Staff	JONATHAN THOMPSON Assistant Attorney General 1400 S. Evergreen Park Drive SW PO Box 40128 Olympia, WA 98504-0128	360-664-1225	360-586-5522	jthomps@wutc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET NO. TC-041353

EVENT	DATE	INTERVAL
Filing of stipulated amendment to application and Shuttle Express withdrawal	December 16, 2004	
Filing of evidence in support of application, or, in the alternative, second prehearing conference to determine schedule	January 7, 2005	