

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of	)	DOCKET TC-121144
	)	
BICYCLING AND HIKING TOURS,	)	ORDER 02
LLC,	)	
	)	INITIAL ORDER DISMISSING
For a Certificate to Operate as a	)	APPLICATION WITHOUT
Passenger Transportation Company	)	PREJUDICE
	)	
.....	)	

1     **Procedural History.** On July 2, 2012, Bicycling and Hiking Tours, LLC, (Bicycling and Hiking or Company) filed an application with the Washington Utilities and Transportation Commission (Commission) requesting authority under RCW 81.68 to operate as a passenger transportation company in the state of Washington. On November 26, 2012, the Commission issued an order dismissing Bicycling and Hiking’s application for failure to cure deficiencies in the application (Dismissal Order). On December 6, 2012, Bicycling and Hiking requested review of the Dismissal Order.

2     **Hearing.** On February 12, 2013, the Commission convened a brief adjudicative proceeding to determine whether Bicycling and Hiking’s application to operate as a passenger transportation company should be denied for failure to meet the application requirements.

3     **Appearances.** Michael A. Fassio, Assistant Attorney General, Olympia, Washington, represented Commission Staff.<sup>1</sup> Stephen Terry, president of Bicycling and Hiking, Seattle, Washington, represented the Company.

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<sup>1</sup> In adjudications, the Commission’s regulatory staff participates like any other party, while the Administrative Law Judge or the Commissioners make the decision. To assure fairness, the Commissioners and the presiding administrative law judge do not discuss the merits of the proceeding with regulatory staff or any other party without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

- 4 **Stipulated Dismissal.** At the hearing, the parties discussed the deficiencies in Bicycling and Hiking's application off the record and agreed that Commission Staff would work with Mr. Terry to cure the deficiencies in the context of a new application. Accordingly, Mr. Terry agreed to stipulate to the Dismissal Order, without prejudice, and to file a new application, which will be assigned a new docket number.

**ORDER**

THE COMMISSION ORDERS THAT:

- 5 The application is dismissed, without prejudice to Bicycling and Hiking's filing a new application with the Commission.

DATED at Olympia, Washington, and effective February 15, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEPHANY A. WATSON  
Administrative Law Judge

**NOTICE TO PARTIES**

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has 20 days after the entry of this Initial Order to file a Petition for Administrative Review (Petition). Section (3) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-825(4) states that any party may file an Answer to a Petition (Answer) within 10 days after service of the Petition.

WAC 480-07-830 states that before the Commission enters a final order, any party may file a petition to reopen a contested proceeding to permit receipt of evidence essential to a decision, which was unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will not accept answers to such a petition unless the Commission requests answers by written notice.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission does not exercise administrative review on its own motion. You will be notified if this order becomes final either by operation of law or on administrative review.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). To file a Petition or Answer with the Commission, you must file an original and seven copies of your Petition or Answer by mail delivery to:

Attn: Steven V. King, Acting Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250