

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

BREMERTON KITSAP AIRPORTER,  
INC.,

Respondent.

DOCKET TC-180796

ORDER 01

COMPLAINT AND ORDER  
SUSPENDING PROPOSED TIME  
SCHEDULE; ALLOWING TARIFF  
REVISIONS TO BECOME  
EFFECTIVE BY OPERATION OF  
LAW

**BACKGROUND**

- 1 On September 10, 2013, Bremerton Kitsap Airporter, Inc. (BKA or Company) filed with the Washington Utilities and Transportation Commission (Commission) Time Schedule #24 and revisions to its currently effective Tariff 10, designated as Fourth Revised Title Page, Eighth Revised Page 1, Tenth Revised Page 2, Seventh Revised Page 3, Eighth Revised Page 4, and Ninth Revised Page 5. The stated effective date is October 1, 2018. Time schedule #24 adds a new stop at the Holiday Inn Express located at 11751 Pacific Highway SW, Lakewood; the other tariff revisions constitute administrative changes to tariff rule language and do not affect rates.
- 2 In this filing, BKA is seeking to add an additional stop at the Holiday Inn Express located outside the main gate of McChord Field on Pacific Highway, also known as SR-99 in Lakewood. The Company represents that the Holiday Inn Express serves as an overflow facility for on-base lodging and, as such, is a natural extension of its route serving JBLM.
- 3 The Company's current certificate authorizes it to provide service between "Fort Lewis or McChord Air Force Base and Seattle-Tacoma International Airport via I-5 and SR 99, including connecting streets and roads." There is a limitation that reads: "1. No local service is authorized." The Company's Tariff, on Eighth Revised Page 5, lists rates for JBLM-McChord and JBLM-Lewis/Madigan Hospital, and Time Schedule #23 lists as stops "Lewis Rainier Lodge" and "McChord Evergreen Lodge." It appears these facilities are administered by Intercontinental Hotels Group (IHG) Army Hotels, which was awarded a contract by the United States Army to construct, improve, and operate on-base lodging facilities.

4 Commission staff (Staff) research found that IHG owns the Holiday Inn Express chain of hotels. IHG Army Hotels is a partnership between IHG and Lend Lease Group (US) Public Partnerships. It appears that the hotel outside the base shares common ownership with the facilities located on base. It also appears that the Holiday Inn Express on SR 99 serves the general public, and its relationship to the military is not clear to Staff.

5 Pacific Northwest Transportation Services, Inc. d/b/a Capital Aeroporter Tours and Charters, (Capital Aeroporter) contacted Staff and stated that the Holiday Inn Express on SR 99 falls within its territory. Indeed, certificate C-862, for Capital Aeroporter states:

2. SEATTLE-TACOMA INTERNATIONAL AIRPORT PASSERNGER SERVICE

B. BETWEEN: Seattle-Tacoma International Airport and the cities of Kent, Tukwila, Auburn, Algona, Pacific, Sumner, Puyallup, Parkland, **Lakewood**, and Steilacoom, and Pacific Lutheran University. (Emphasis added)

6 Based on the information provided, Staff is unable to determine which carrier is authorized to serve the Holiday Inn Express. Accordingly, Staff recommends the Commission suspend Time Schedule #24 and Time Schedule #24 Original Page 1 and set the matter for hearing under RCW 81.68.040.

7 Additionally, Staff recommends the Commission allow the tariff revisions titled Fourth Revised Title Page, Eighth Revised Page 1, Tenth Revised Page 2, Seventh Revised Page 3, Eighth Revised Page 4, and Ninth Revised Page 5, filed by BKA on September 19, 2018, which reflect only administrative changes and do not impact rates, to become effective on October 1, 2018, by operation of law.

## DISCUSSION

8 We agree with Staff's recommendation and suspend the proposed time schedule. Because the time schedule would create a new stop that may overlap with the existing service territory of another certificated carrier, we are unable to determine whether the proposed service should be granted under RCW 81.68.040 and is in the public interest.<sup>1</sup> Accordingly, the Commission suspends the proposed time schedule and will hold public hearings, if necessary.

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<sup>1</sup> See WAC 480-30-140.

9           Conversely, the revisions to Tariff No. 10 are ministerial in nature and do not impact customer rates. We agree with Staff that these changes are reasonable. Accordingly, we allow the proposed revisions to Tariff No. 10, as filed on September 19, 2018, to become effective by operation of law.

**FINDINGS AND CONCLUSIONS**

10           (1)     The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, regulations, practices, accounts and affiliated interests of public service companies, including auto transportation companies.

11           (2)     BKA is an auto transportation company and a public service company subject to Commission jurisdiction.

12           (3)     This matter came before the Commission at its regularly scheduled meeting on September 27, 2018.

13           (4)     BKA has not yet demonstrated that its proposed additional service should be granted under RCW 81.68.040 and is consistent with the public interest.

**ORDER**

**THE COMMISSION ORDERS:**

14           (1)     The Time Schedule #24 and Time Schedule #24 Original Page 1 filed by Bremerton Kitsap Airporter, Inc. on September 10, 2013, and revised on September 19, 2018, and September 24, 2018, are suspended.

15           (2)     The Tariff revisions designated as Fourth Revised Title Page, Eighth Revised Page 1, Tenth Revised Page 2, Seventh Revised Page 3, Eighth Revised Page 4, and Ninth Revised Page 5, filed by Bremerton Kitsap Airporter, Inc. on September 19, 2018, are allowed to become effective October 1, 2018, by operation of law.

16           (3)     The Commission will hold hearings at such times and places as may be required.

- 17 (4) Bremerton Kitsap Airporter, Inc. must not change or alter the time schedules filed in this Docket during the suspension period, unless authorized by the Commission.
- 18 (5) Bremerton Kitsap Airporter, Inc. shall pay the expenses reasonably attributable and allocable to the Commission's investigation consistent with RCW 81.20.020.

DATED at Olympia, Washington, and effective September 27, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner