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1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION
3 In re Application No. D-079145)Docket No. TC-030489
4 of)Volume I
5 SEATAC SHUTTLE, LLC, D/B/A)
6 SEATAC SHUTTLE, for a)
7 Certificate of Public)
8 Convenience and Necessity to)
9 Operate Motor Vehicles in)
10 Furnishing Passenger and)
11 Express Service as an Auto)
12 Transportation Company.)
13 _____)

10 A prehearing conference in the
11 above matter was held on June 12, 2003, at 9:32 a.m.,
12 at 1300 Evergreen Park Drive Southwest, Olympia,
13 Washington, before Administrative Law Judge KAREN
14 CAILLE.

15 The parties were present as
16 follows:
17 SEATAC SHUTTLE, LLC, by John J.
18 Solin, President, and Michael Lauver, General
19 Manager, 1150 S.E. Dock Street, #201, Oak Harbor,
20 Washington 98277.

21 SHUTTLE EXPRESS and WICKISER
22 INTERNATIONAL COMPANIES, by David Rice, Attorney at
23 Law, Miller Nash, LLP, 4400 Two Union Square, 601
24 Union Street, Seattle, Washington 98101 (Appearing
25 via teleconference bridge.)

26 THE COMMISSION, by Robert
27 Cedarbaum (for Mary M. Tennyson), Assistant Attorney
28 General, 1400 Evergreen Park Drive, S.W., P.O. Box
29 40128, Olympia, Washington 98504-0128.
30 Barbara L. Nelson, CCR
31 Court Reporter

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1 JUDGE CAILLE: Let's do go on the record.
2 We are here today for a prehearing conference in
3 Docket Number TC-030489, and this is an application
4 by SeaTac Shuttle, L.L.C., doing business as SeaTac
5 Shuttle, for a certificate of public convenience and
6 necessity to operate motor vehicles in furnishing
7 passenger and express service as an auto
8 transportation company.

9 My name is Karen Caille, and I am the
10 Administrative Law Judge assigned to this proceeding.
11 Today is June 12th, 2003, and we are convened in the
12 hearing room at the Commission's offices in Olympia,
13 Washington.

14 Just to give you an idea of what our agenda
15 is for today, I will first ask the parties to enter
16 their appearances, and then we'll discuss any need
17 for discovery or protective order or -- and most of
18 our scheduling has already been completed, so we
19 might discuss any issues and the prospect of any
20 settlement or agreement, and that is it, unless
21 someone has, you know, some substantive motion or
22 dispositive motion to raise.

23 So let's begin with taking the appearances
24 from the parties. Let's begin with the Applicant.
25 If you'll state your name, who you represent, your

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1 street address, your mailing address, telephone
2 number, fax number, and e-mail, if you have one.

3 MR. SOLIN: My name is John Solin,
4 representing SeaTac Shuttle, L.L.C. Business address
5 is 1150 S.E. Dock Street, Number 201, in Oak Harbor,
6 Washington. My -- do you want home address?

7 JUDGE CAILLE: No, that's fine.

8 MR. SOLIN: That's business. Telephone
9 number is 360-202-4007. I use a computer fax,
10 708-575-2979. And my e-mail is
11 john@seatacshuttle.com, SeaTac Shuttle all one word.
12 And we provided --

13 JUDGE CAILLE: John was J-o-h-n?

14 MR. SOLIN: J-o-h-n.

15 JUDGE CAILLE: All right.

16 MR. LAUVER: Michael Lauver, also with
17 SeaTac Shuttle.

18 JUDGE CAILLE: Excuse me, Mr. Lauver. Will
19 you please spell your last name for us?

20 MR. LAUVER: L-a-u-v-e-r.

21 JUDGE CAILLE: Lauver, okay.

22 MR. LAUVER: Also with SeaTac Shuttle at
23 the same address, 1150 Dock Street, Oak Harbor,
24 Washington. Phone is 360-20 -- oh, no, 360-320-2445.
25 Fax is 360-678-4126. E-mail is

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1 mike@seatacshuttle.com.

2 JUDGE CAILLE: All right. And Mr. Rice.

3 MR. RICE: Yes, this is David Rice. I'm
4 appearing on behalf of --

5 JUDGE CAILLE: Excuse me, Mr. Rice. If you
6 can speak just a little bit maybe closer to the phone
7 or just raise --

8 MR. RICE: Sure.

9 JUDGE CAILLE: There, that's good.

10 MR. RICE: Okay. This is David Rice,
11 appearing on behalf of Shuttle Express and Wickiser
12 International Companies. My address is with Miller
13 Nash, L.L.P., 4400 Two Union Square, 601 Union
14 Street, Seattle, Washington, 98101-2352. My phone
15 number is 206-777-7424. Fax number is 206-622-7485.
16 My e-mail is david.rice@millernash.com. Would you
17 like me to provide the addresses for the two
18 Protestants?

19 JUDGE CAILLE: No, we have those. Thank
20 you. I'm sorry, Mr. Rice, would you repeat your
21 phone number?

22 MR. RICE: 206-777-7424.

23 JUDGE CAILLE: Thank you.

24 MR. RICE: You're welcome.

25 JUDGE CAILLE: All right. And Commission

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1 Staff.

2 MR. CEDARBAUM: Thank you, Your Honor. My
3 name is Robert Cedarbaum. I'm an Assistant Attorney
4 General, appearing on behalf of Commission Staff only
5 today. But for the remainder of this case, Mary
6 Tennyson, Senior Assistant Attorney General, will be
7 representing Staff for the remainder of the
8 proceedings, so I will give her telephone number and
9 other vital statistics. Her address is the Heritage
10 Plaza Building, 1400 South Evergreen Park Drive,
11 S.W., Olympia, Washington, 98504. Her telephone
12 number is 360-664-1220. Her e-mail address, I
13 believe, is mtennyso@wutc.wa.gov. If that e-mail
14 were to kick back to you, I think if you added an N
15 to the end of that to complete her full name, it
16 would probably work.

17 JUDGE CAILLE: I think it is without the N,
18 from my memory. And do you have a fax?

19 MR. CEDARBAUM: Fax number is 360-586-5522.

20 JUDGE CAILLE: Thank you. All right.
21 Counsel -- well, actually, the Applicant -- when we
22 sent out our notice of the prehearing conference and
23 notice of hearing, attached to the back of that is
24 Appendix A, and that pretty much sets forth what the
25 Applicant must show that it has satisfied in order

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1 for the Commission to grant a certificate. So my
2 understanding is that you will have -- at last count,
3 was it 12 witnesses testifying?

4 MR. LAUVER: Our prospective witness list
5 is up to 15 right now, but what we're finding is a
6 number of folks are willing to testify on our behalf,
7 but being in business, they have travel schedules
8 that come up at the last minute. So we're presuming
9 of the 15 proposed, we'll probably have between 10
10 and 12 that will actually be available at that time.

11 JUDGE CAILLE: Okay. So you are aware that
12 you have to establish that there is a public need for
13 service and, by doing that, you do that through the
14 testimony of live witnesses. And you are also
15 required to show that you are fit, willing, and able
16 to provide the service. So since you are proceeding
17 pro se, you just need to be aware of what is
18 required. And I'm not sure if Staff has talked to
19 you about what might be -- what you need to furnish
20 in order to --

21 MR. LAUVER: Our witnesses will testify to
22 the first, and John and I will primarily testify to
23 the second.

24 JUDGE CAILLE: Great, okay. I do have a
25 copy of a letter that mentioned something about

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1 possible -- oh, I know. I have a question about --
2 Mr. Rice?

3 MR. RICE: Yes.

4 JUDGE CAILLE: On your protest of this
5 application, I was wondering, is there really -- is
6 there really an overlap here? I'm looking at -- I'm
7 looking at their description of the service that
8 they're going to provide and the area. And in the
9 protest for Shuttle Express, the door-to-door service
10 is Mukilteo to Sea-Tac. Well, so I guess that is an
11 overlap of that one.

12 MR. RICE: Your Honor, there's -- in the
13 attachment to our protest and the certificate, on
14 page two, there is a -- there's a reference to the
15 fact that Shuttle Express can provide service between
16 SeaTac, Boeing Field, Renton Airport, Paine Field,
17 and points within a 25-mile radius of these airports.

18 JUDGE CAILLE: I see.

19 MR. RICE: So that would encompass Whidbey.

20 JUDGE CAILLE: Right.

21 MR. RICE: There may also be another piece
22 in here that --

23 JUDGE CAILLE: I'm sorry, I couldn't hear
24 that.

25 MR. RICE: There may also be another part

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1 of their authority that covers Whidbey Island, as
2 well, but that's the one that I was looking at to
3 file this protest.

4 JUDGE CAILLE: And is that true of the
5 other protest, as well, for Wickiser?

6 MR. RICE: Wickiser has authority to serve
7 Oak Harbor.

8 JUDGE CAILLE: Okay.

9 MR. RICE: An airporter between Oak Harbor
10 and SeaTac, and that's why there's an overlap as to
11 their authority.

12 JUDGE CAILLE: All right. I received a
13 letter distributed to our -- I think it was -- that
14 there are some negotiations going on between the
15 Applicant and the Protestant, Shuttle Express; is
16 that true?

17 MR. LAUVER: Yes, we've been in contact
18 with Mr. John Rowley of Shuttle Express, and had
19 verbally come to an agreement in principal, and we
20 had reduced that to writing and submitted it to Mr.
21 Rowley some weeks ago in an attempt to get this issue
22 resolved prior to this conference this morning.

23 Mr. Rice supplied us, I believe it was
24 yesterday, with a slightly amended version of that,
25 and that's what we had hoped to get back to him this

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1 morning. So it is our hope that we can resolve the
2 Shuttle Express protest prior to the hearing.

3 JUDGE CAILLE: All right.

4 MR. RICE: Your Honor, may I ask the
5 Applicant, have you also received something -- a
6 proposed settlement from Wickiser?

7 MR. SOLIN: No, we have not received
8 anything in writing from Wickiser. I did speak
9 verbally with Larry Wickiser about, I believe, three
10 or four, five days ago, but we received nothing in
11 writing. We did receive your PDF yesterday regarding
12 Shuttle Express's proposal, settlement.

13 MR. RICE: I believe you may have in your
14 e-mail something from Wickiser, as well, now.

15 MR. SOLIN: Okay. I did not check this
16 morning, but I checked last night.

17 MR. LAUVER: The same situation with the
18 Wickiser Companies. With the discussions we've had,
19 we are somewhat optimistic that we can resolve their
20 protest prior to hearing.

21 JUDGE CAILLE: All right. If there is no
22 protest, do we still -- I'm still new at this, at all
23 the procedure in these cases. If there is no protest
24 or if the protests are withdrawn, does that mean we
25 would not have an evidentiary hearing?

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1 MR. CEDARBAUM: Well, the statute, which is
2 RCW 80.168.040, states that if an applicant requests
3 to provide service in a territory already served, the
4 Commission may, after hearing, grant that certificate
5 if existing service is unsatisfactory.

6 So even if the protests were resolved, the
7 Commission would still have to hold a hearing. And
8 the question is what do you have to do during that
9 hearing. If all the parties are amenable, the
10 protests are withdrawn and the applicants are
11 amenable, I think the Commission has allowed the
12 public need testimony to come in by affidavit, and
13 then the Applicants could just show up and present
14 testimony on the fitness issues, and since the
15 protests have been withdrawn, they really waived the
16 issue about satisfactory service. So that, I think,
17 has been done and, in my view, would be allowable.

18 You could do more than that. You could
19 actually go up to Oak Harbor or wherever the
20 hearing's scheduled and have the witnesses come in
21 and testify live. There wouldn't be much
22 cross-examination of them.

23 JUDGE CAILLE: That's right.

24 MR. CEDARBAUM: But you could do that. But
25 there has to be some kind of hearing, and whether the

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1 evidence from the public is through written
2 statements or live testimony I think would be within
3 the Commission's discretion.

4 MR. LAUVER: If, in fact, the protests were
5 withdrawn, we would request that we be able to
6 provide testimony in written form.

7 JUDGE CAILLE: Okay. If you folks will
8 please keep me informed as to any last-minute --
9 actually, I need about 72 hours in order to cancel my
10 reservation. So if -- and you know, I'm just not
11 quite sure whether the Commission will want to go
12 ahead and spend the resources to send me up there if
13 we can do this over the phone. So that's something
14 I'm going to have to check. We're on a very tight
15 budget these days.

16 So if you will please -- if you can resolve
17 your differences, I commend you. And Mr. Rice, your
18 clients, I commend your clients, as well, as far as
19 trying to work this out. That's the way the
20 Commission prefers people to work out their
21 disagreements. So just keep me informed. That's all
22 I ask.

23 I guess, Mr. Rice, can I hear from you
24 about how many witnesses, should this go to hearing,
25 how many witnesses you'll have?

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1 MR. RICE: Yes. Wickiser will present two
2 witnesses, and we anticipate that the direct exam of
3 those witnesses will take 30 minutes for each.

4 Shuttle Express will present three
5 witnesses. One of those witnesses from the company
6 will take 30 minutes for direct, and there may be two
7 additional witnesses from the public.

8 JUDGE CAILLE: All right.

9 MR. RICE: Each of the public witnesses
10 would be 15 minutes.

11 JUDGE CAILLE: Okay. And Commission Staff
12 does not present any witnesses, or is that --

13 MR. CEDARBAUM: Staff is not anticipating
14 at this time putting on a witness, and it would be
15 unlikely that that would change, but we would reserve
16 the opportunity if it comes up, if the need comes up.

17 JUDGE CAILLE: All right, okay. So we've
18 taken care of witnesses. How about exhibits? Are
19 you going to be providing -- are the parties going to
20 be providing numerous exhibits or -- the way I've
21 done -- just to let you know, the way I've done these
22 in the past is I've just taken the exhibits in the
23 morning or actually as the testimony -- or as the
24 witness is on the stand. So as long as it isn't
25 volumes, and I assume it wouldn't be. Can you tell

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1 me approximately how many exhibits you'll be bringing
2 if you --

3 MR. LAUVER: Well, it's a little difficult,
4 because we have not resolved the protest. If we
5 resolve the protest, I would imagine that we would
6 have three or less exhibits, just trying to put a
7 number to it. If, in fact, we don't resolve the
8 protest, then I presume that that number will go up
9 perhaps to a half a dozen or so. I don't see any
10 extensive amount of exhibits from our side.

11 JUDGE CAILLE: Okay.

12 MR. SOLIN: Excuse me. Essentially our
13 exhibits would just be to support the application, to
14 show everything we've already exhibited as the
15 application and more detail of what's necessary to
16 show to the state that if there were no objection,
17 that it would be an application approval with no
18 protest.

19 JUDGE CAILLE: All right. And if there is
20 no protest, then you'll have affidavits --

21 MR. LAUVER: That's correct.

22 JUDGE CAILLE: -- from the witnesses?

23 MR. LAUVER: A question regarding
24 affidavits. In a previous application, where
25 testimony was taken by affidavit, Staff requested

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1 that each affidavit be notarized, and in fact, Mr.
2 Rice and Mr. Harlow were involved in that particular
3 instance, and they submitted them without notarized
4 -- notarized -- without a notary's signature on them,
5 and it was determined that was, in fact, an
6 acceptable method.

7 So my question here is are you going to be
8 asking for notarized affidavits or is simply a
9 signature going to be acceptable? And that was the
10 application of Wickiser.

11 MR. CEDARBAUM: I have to admit I'm not
12 sure what the practice has been. It's been a while
13 since I've been in one of these cases. I guess what
14 I'd like to do is just work off the record with the
15 Applicants if that were to come up, and we can figure
16 out what the best alternative is that would be the
17 least hassle.

18 JUDGE CAILLE: All right.

19 MR. LAUVER: That's my concern. Obviously,
20 it's easier if we don't have to parade 15 people
21 before notaries to do this, so --

22 MR. CEDARBAUM: On the other hand, it is
23 being taken in place of live sworn testimony, so
24 there has to be some officialness to it.

25 MR. LAUVER: If you'll reference Wickiser's

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1 application for Central Washington Airporter this
2 year, I think you'll see how it was handled
3 previously.

4 MR. CEDARBAUM: Again, I just don't want to
5 misspeak and lead you astray or make a mistake on
6 Staff's behalf. I would rather just have that --
7 work off record with you and --

8 MR. LAUVER: That's fine.

9 MR. CEDARBAUM: -- we'll get to an
10 agreeable solution.

11 MR. RICE: In the case that you're talking
12 about, the affidavits -- they were actually
13 declarations. And you can pull a copy of what we
14 filed and that would give you an idea as to the
15 appropriate language for something like that. You do
16 make a -- it is sworn testimony, but there's certain
17 language that the statute requires.

18 JUDGE CAILLE: Is that you, Mr. Harlow?

19 MR. RICE: This is David Rice.

20 JUDGE CAILLE: Oh, you're starting to sound
21 alike to me.

22 MR. RICE: Oh, we are? That's funny.

23 Brooks is actually not on this call, so --

24 JUDGE CAILLE: Okay, okay. You folks have
25 been working together too long, I think.

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1 MR. RICE: Sounds like it.

2 JUDGE CAILLE: Okay. So I think that it
3 sounds like the declaration would solve the problem,
4 and if you have those documents from the Wickiser --
5 do you have a copy of something like that that you
6 can --

7 MR. LAUVER: Yes, we do.

8 JUDGE CAILLE: Okay. All right. I assume
9 that there's no need for discovery in this, invoking
10 the discovery rule; am I correct about that? You
11 don't need documents from --

12 MR. LAUVER: Well, I'm sort of hesitating,
13 waiting to see what Mr. Rice's response is.

14 JUDGE CAILLE: Okay.

15 MR. LAUVER: We have no need for them at
16 this point. If we are unable to resolve this and Mr.
17 Rice wants to get into a discovery situation, then we
18 may need to reevaluate our position, but as it stands
19 now, no, we have no need for discovery.

20 JUDGE CAILLE: Okay. And you understand
21 what discovery is?

22 MR. LAUVER: Yes.

23 JUDGE CAILLE: Okay. Perhaps, in the event
24 that you do need to engage in discovery, we should
25 invoke the discovery rule, just so it's invoked and

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1 -- the problem is the hearing is coming up really
2 quickly, so --

3 MR. LAUVER: Right. I wonder, though, if
4 perhaps Mr. Rice would respond to your query first,
5 and perhaps we don't need to deal with the discovery
6 rule.

7 JUDGE CAILLE: Mr. Rice, do you think
8 you're going to need any discovery, any need for the
9 discovery rule?

10 MR. RICE: Well, I don't believe so. And I
11 guess it sounds like the Applicant might, at some
12 point, want to conduct discovery. Naturally, we
13 would want to, as well, if they were going to do so.
14 So I'm kind of reluctant to say that we're not
15 interested in conducting any discovery at all, as
16 long as the Applicant leaves the door open for it.

17 MR. LAUVER: I believe we've got a chicken
18 and egg situation here. We're willing to say we
19 don't need discovery if Mr. Rice doesn't, and that
20 will put it to bed.

21 MR. RICE: Okay. That's acceptable to me.

22 JUDGE CAILLE: All right. Then we won't be
23 invoking the discovery rule. And because of that, I
24 assume we're not going to need a protective order,
25 either. And do you understand what a protective

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1 order is?

2 MR. LAUVER: Yes, I do. And as you just
3 stated, unless we have discovery, I don't see that as
4 an issue.

5 JUDGE CAILLE: All right. Are there any
6 unusual issues in this proceeding that I should be
7 aware of?

8 MR. SOLIN: I don't think there's anything
9 unusual. I think that the key thing to show at some
10 point is to have an understanding of the geography of
11 the situation we're dealing with. I think it would
12 be helpful just if everybody is aware of locations
13 that we're specifically talking about on Whidbey
14 Island, where they are, and the way that the route
15 structure, the road structure and ferry structure
16 impact what we're asking for. That's the key to the
17 application as to why there is a protest in the first
18 place by both parties.

19 JUDGE CAILLE: Well, I'll have firsthand
20 knowledge of that, since I'll be driving up there.
21 Anything from you, Mr. Rice, on the subject of
22 issues?

23 MR. RICE: No.

24 JUDGE CAILLE: Okay. We have the hearing
25 scheduled for June 24th, beginning at 10:00 a.m., and

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1 it will be at Worksource Whidbey, which is right on
2 Route 20 in Oak Harbor. They've told us that parking
3 is available next door at the school district parking
4 lot. So we have that, I believe, till 5:00, so my
5 hope is that we'll be able to accomplish everything
6 in that amount of time, and I suppose we'll know
7 better that morning, but, you know, we might have to
8 take a shortened lunch or shortened breaks if it
9 looks like we're on a tight time schedule, because I
10 believe Worksource Whidbey did not have any time --
11 any room available the next day. So should this run
12 over -- well, we just won't let it run over. We'll
13 just get it done.

14 Generally, in a case like this, I would --
15 if this goes forward to hearing, I would be entering
16 an initial order, which is written by me, and then
17 the parties are able to file responses to that. Do
18 we call them exceptions here?

19 MR. CEDARBAUM: I think they're petitions
20 for administrative review.

21 JUDGE CAILLE: Okay, thank you. Petitions
22 for administrative review. Thank you. And that is
23 -- that would be pointing out why the order is wrong.
24 And then the Commission would take up those petitions
25 and issue an order from them, from the Commission.

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1 So there is a way to get a quicker resolution, and
2 that is to waive the initial order and just go right
3 to the Commission and the Commission writes the
4 order. That shortens things up significantly, I
5 think like three weeks to a month, even, maybe.

6 So you don't have to decide today, but if
7 you want to decide today, I can put that in the
8 record. And it has to be agreeable among everyone.

9 MR. LAUVER: That's something that we've
10 been considering and I'm a little reluctant to ask
11 for today, until we've had an opportunity to speak
12 with Mr. Rice about the two Protestants.

13 JUDGE CAILLE: Okay. Well, I'll put it on
14 the agenda for the hearing on the 24th.

15 MR. LAUVER: I believe that if we're able
16 to successfully resolve both protests prior to
17 hearing, that yes, we would request to go that path,
18 and should we be successful in our negotiations,
19 we'll certainly notice the Commission.

20 JUDGE CAILLE: All right. Anything from
21 you, Mr. Rice?

22 MR. RICE: That approach is acceptable to
23 me. If we're successful in resolving the protests,
24 then it doesn't matter to us whether an initial order
25 is waived, but if we cannot resolve our protests,

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1 then we would like to see an initial order. So we
2 still have some things that are up in the air and we
3 can't really make a decision at this time.

4 JUDGE CAILLE: All right. Does the
5 Applicant have any questions regarding the process or
6 the hearing that you'd like to ask? I can only
7 answer questions about process, so -- well, I can
8 answer -- I don't know anything else right now at
9 this point about the case, other than what you've
10 filed. So are there any concerns you have about the
11 hearing or --

12 MR. SOLIN: I don't believe so. We've
13 reviewed several cases, including the most recent
14 ones, and we're pretty comfortable with the process.

15 MR. LAUVER: Yes.

16 JUDGE CAILLE: It's pretty informal. All
17 right. Well, if there's nothing further --

18 MR. LAUVER: Actually, we have a couple of
19 housekeeping issues regarding the application.

20 JUDGE CAILLE: All right.

21 MR. LAUVER: Which I guess this would be a
22 procedural question, then, actually.

23 JUDGE CAILLE: Okay.

24 MR. LAUVER: Whether or not they're
25 appropriate in this forum, I'm not quite sure, but

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1 revisions and updates to our application as
2 submitted. We have been in contact with Mr. Michael
3 Civitelli, of the SeaTac Airport Authority on the
4 land side, and he had some concerns regarding our
5 d/b/a, SeaTac Shuttle, and that it might cause
6 confusion for airport staff in directing potential
7 passengers and just providing information in general,
8 and he suggested that we include some geographical
9 reference in our name, and we agree with that.

10 And we would like to change our d/b/a only,
11 not the company name, from SeaTac Shuttle to
12 Whidbey-SeaTac Shuttle. And that's items -- item
13 number two on our application.

14 JUDGE CAILLE: Would you please repeat the
15 new d/b/a?

16 MR. LAUVER: Whidbey-SeaTac Shuttle. That
17 will more clearly identify what we're -- services
18 we're providing to the public.

19 JUDGE CAILLE: I don't know the process for
20 changing your d/b/a. Does that have to be done with
21 the Department of Licensing or --

22 MR. LAUVER: Yes, we'll take care of that
23 end of it with Department of Licensing and such. Our
24 question simply is the methodology for notifying the
25 Commission and amendment to the application.

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1 JUDGE CAILLE: Okay.

2 MR. CEDARBAUM: I think at this point, Your
3 Honor, the question is does this affect the
4 application at all and the procedure, and since it
5 doesn't affect the scope of authority that's being
6 sought, the ownership of the company, the corporate
7 structure of the company; just the d/b/a, it doesn't
8 appear to me that it really impacts the application,
9 how it's processed. How a d/b/a is changed, from the
10 Commission's perspective or other agency's
11 perspective, is something that can just go ahead and
12 happen the way it would happen without affecting
13 notice of application in this proceeding.

14 JUDGE CAILLE: Right. I'm somewhat
15 hesitant to make an amendment to -- or to amend the
16 application when you don't have a d/b/a yet. And
17 since, as Mr. Cedarbaum said, it really doesn't
18 impact the application, I'd just as soon go forward
19 with what we have right now.

20 MR. LAUVER: I guess what I'll do is -- we
21 do have our UBI number, which is another little
22 housekeeping issue. We'll simply fax a copy of the
23 new d/b/a, along with the UBI number, to Staff, with
24 a cover letter requesting that this be put on the
25 application.

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1 JUDGE CAILLE: That would be great.

2 MR. RICE: This is Dave Rice. I would
3 appreciate it if you could forward me a copy of any
4 amendments you make to your application. Is that
5 acceptable?

6 MR. LAUVER: Certainly.

7 MR. SOLIN: No problem.

8 MR. RICE: Thank you.

9 MR. SOLIN: We'll make the administrative
10 change with the Department of Licensing. I believe
11 it's only an administrative change, just notifying.

12 MR. LAUVER: In our negotiation with both
13 Protestants, the negotiations involve changes to the
14 wording on our proposed route. And should
15 negotiations not be fruitful, Staff has informed us
16 here that there has been a question regarding the
17 language of our route that could be construed to be a
18 one-way route on an airporter.

19 JUDGE CAILLE: Oh.

20 MR. LAUVER: And simply because of
21 prepositions and adverbs, really, I think the way
22 it's worded, and we would like to simply clarify the
23 fact that it is, in fact, a round trip. It's
24 bi-directional, that we followed the format for
25 filing the application provided by the examples that

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1 come from WUTC, and that both in our rate schedule
2 and our passenger rules, we refer to a round trip.
3 Also, our route is prefaced with the word "between,"
4 which would imply round trip, as it does in virtually
5 every other route structure -- permitted route
6 structure that we reviewed.

7 We have developed some language just to
8 clean it up and clarify it a little bit. It does not
9 change our route structure at all. And my question
10 is is this the proper place to submit that or is that
11 like the other issues, just something we give to
12 Staff?

13 MR. CEDARBAUM: I would think it would be
14 best that, when you have your hearing, whether it's
15 going to be a condensed hearing or not, that at the
16 time you present the exact language that you want
17 your certificate to read, if it were to be granted,
18 so that the record is clear, I think the question
19 here is is that an expansion of the authority that
20 you were asking for, so that this has to be
21 redocketed and all that kind of thing. It seems to
22 me like your application -- well, certainly the
23 Protestants are here, and I think they understood
24 this was to be round trip. I don't know if there are
25 other companies out there who could have filed

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1 protests but did not. But it doesn't seem to me that
2 that's a broadening of authority you're asking.

3 MR. LAUVER: We're simply changing words
4 like "to" to "via," so that the "to" could
5 potentially imply a direction, whereas "via" is
6 nondirectional, things like that.

7 MR. CEDARBAUM: And I guess all I'm saying
8 is the issue is does that clarification broaden the
9 application that you were requesting, so that the
10 world, when it was noticed out to them, wasn't aware
11 of the full scope of authority you were seeking. It
12 doesn't appear to me like we're in that kind of
13 situation, so I don't think that clarification
14 affects how this case goes forward. I just think you
15 need to put on the record clearly at the next hearing
16 exactly what the language is that you want.

17 MR. LAUVER: Thank you.

18 JUDGE CAILLE: Mr. Rice, did you want to be
19 heard on that subject at all?

20 MR. RICE: I don't have anything. I have
21 no comments on that.

22 JUDGE CAILLE: All right. Does that take
23 care of the housekeeping?

24 MR. LAUVER: That's it for us.

25 JUDGE CAILLE: All right. Well, if there's

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1 nothing further, I thank you very much for coming
2 down here, and I hope that your negotiations are
3 fruitful. Since we're completing early, I don't know
4 if you would like to talk to Mr. Rice. I will be
5 leaving the room. We can leave the bridge line up
6 and you can speak to Mr. Rice, you know, if you need
7 to.

8 MR. LAUVER: If he's available, we'd
9 appreciate that.

10 MR. RICE: Was that John?

11 MR. SOLIN: That was Mike, but this is
12 John, yes.

13 MR. RICE: Okay. If you'd like, if you
14 have a cell phone on you, we could talk that way.

15 MR. SOLIN: That's fine. We'll just go to
16 the car and get one.

17 MR. RICE: I'll make sure that I'm at my
18 desk for the next 15 minutes.

19 MR. SOLIN: And you want us to call that
20 number -- again, please?

21 MR. RICE: 206-777-7424.

22 MR. SOLIN: All right. We'll call you in
23 about five, ten minutes.

24 MR. RICE: Okay.

25 JUDGE CAILLE: Thank you, everyone, for

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1 coming, and I'll be seeing you on Whidbey Island, if

2 I see you.

3 MR. RICE: Thank you, Your Honor.

4 JUDGE CAILLE: Yes?

5 MR. RICE: Oh, I just said thank you, Your

6 Honor.

7 JUDGE CAILLE: Thank you.

8 (Proceedings adjourned at 10:12 a.m.)

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