

[Service Date January 6, 2005]

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

In re Application No. D-07294 of	)	DOCKET NO. TC-041340
	)	
PENNCO TRANSPORTATION, INC.	)	
	)	ORDER NO. 01
For Extension of authority under	)	
Certificate No. C-01054, For a	)	
Certificate of Public Convenience and	)	
Necessity to Operate Motor Vehicles	)	
in Furnishing Passenger and Express	)	
Service as an Auto Transportation	)	
Company.	)	
	)	
.....	)	
	)	
In re Application No. D-079302 of	)	DOCKET NO. TC-041593
	)	
HECKMAN MOTORS, INC., d/b/a	)	
OLYMPIC BUS LINES	)	ORDER NO. 01
	)	
For Extension of authority under	)	
Certificate No. C-992, For a	)	
Certificate of Public Convenience and	)	PREHEARING CONFERENCE
Necessity to Operate Motor Vehicles	)	ORDER; CONSOLIDATING
in Furnishing Passenger and Express	)	PROCEEDING; ESTABLISHING
Service as an Auto Transportation	)	SCHEDULE OF PROCEEDINGS
Company.	)	
	)	
.....	)	

- 1     **NATURE OF PROCEEDING.** Docket No. TC-041593 is an application filed by Heckman Motors, Inc. d/b/a Olympic Bus Lines (Heckman Motors or the Applicant) for an extension of its authority to provide passenger service as an auto transportation company. Docket No. TC-041340 is an application filed by PENNCO TRANSPORTATION, INC. for an extension of its authority to provide passenger service as an auto transportation company.
  
- 2     **PREHEARING CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on December 16, 2004, before Administrative Law Judge Theodora M. Mace.
  
- 3     **APPEARANCES.** Jack Heckman, President, represents Heckman Motors. Kevin Harris, President, represents Pennco. David L. Rice, Seattle, Washington, represents protestant Evergreen Trails, Inc. d/b/a Gray Line of Seattle (Gray Line) and Shuttle Express, Inc. (Shuttle Express). James K. Sells, attorney, Silverdale, Washington, represents protestant Bremerton-Kitsap Airporter, Inc. (Bremerton-Kitsap). Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff ("Commission Staff" or "Staff").<sup>1</sup> Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.
  
- 4     **ORDER OF CONSOLIDATION.** Both applicants objected to consolidation of these applications. Pennco objected that it would be unjust to consolidate

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<sup>1</sup> 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.

because its application had been timely filed and Pennco's provision of service under the application was economically feasible. Pennco argued that Heckman had only filed an application because Pennco filed one.

5 Heckman responded that it filed its application at the urging of Commission Staff, merely to clear up a difference between its tariff and its operating authority. Because of that, Heckman argued, consolidation is not warranted.

6 The Commission finds that consolidation is appropriate in spite of these objections. These applications are for overlapping authority and hearing will likely require presentation of witnesses common to both applications. Consolidation will best conserve the Commission and the parties' resources. Therefore, it is ordered that the two applications be consolidated for consideration and hearing. The Commission may sever the two dockets when it deems that doing so is appropriate and may enter a single order or separate orders in the dockets as appropriate.

7 **PROTESTS.** The application of Heckman Motors is protested by Shuttle Express and Bremerton-Kitsap. The application of Pennco is protested by Gray Line, Bremerton-Kitsap and Heckman Motors. During the prehearing conference, Pennco indicated that it wished to protest the Heckman Motors application, if the two applications were consolidated. No party objected to Pennco's request. Pursuant to WAC 480-30-032, the Commission may allow a party to protest an application even if the protest was not filed within 20 days of publication of the application, on a showing of good cause. Based on the fact that these applications have been consolidated and that Pennco has a substantial interest in the matters at issue here, good cause is shown for granting the protest and it is granted.

8     **PROTECTIVE ORDER.** A protective order will be entered in this docket.

9     **DISCOVERY.** No party requested that the Commission invoke the discovery rules in this proceeding.

10    **PROCEDURAL SCHEDULE.** The Commission adopts the following procedural schedule:

February 11, 2005	Parties to file appearances of counsel, witness lists and exhibit lists for hearing
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February 17, 2005	Evidentiary hearing.
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March 17, 2005	Simultaneous briefs
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April 14, 2004	Initial order
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11    **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus nine (9) 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.

12    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.

- 13 An electronic copy of all filings must be provided by e-mail delivery to <[records@wutc.wa.gov](mailto: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).
- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.
- 15 **The parties stated that settlement of these applications was possible. If the parties determine that they can resolve the issues separating them, they should notify the Commission on or before February 1, 2005.**

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16 **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 \_\_\_\_ day of January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKET NO. TC-041340  
PENNCO TRANSPORTATION**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
Pennco Transportation, Inc.	KEVIN HARRIS President 933 Carlsborg Road Sequim, WA 98382	360-582-3736	360-406-3800	<a href="mailto:Pennco97@olympen.com">Pennco97@olympen.com</a>
Evergreen Trails, Inc., d/b/a Gray Line of Seattle and Shuttle Express, Inc.	DAVID RICE BROOKS HARLOW Miller Nash, LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101-2352	206-622-8484	206-622-7485	<a href="mailto:David.rice@millernash.com">David.rice@millernash.com</a>
Bremerton-Kitsap Airporter, Inc.	JAMES K. SELLS Ryan, Sells, Uptegraft, Inc., PS 9657 Levin Road N.W. Suite 240 Silverdale, WA 98383	360-307-8860	360-307-8865	<a href="mailto:jimsells@rsulaw.com">jimsells@rsulaw.com</a>
Heckman Motors, Inc. d/b/a Olympic Bus Lines	JACK HECKMAN, President 111 East Front Street Port Angeles, WA 98362	360-417-0700	360-452-1460	
Commission Staff	JOHNATHAN THOMPSON Assistant Attorney General 1400 S . Evergreen Park Drive S.W. PO B ox 40125 Olympia, WA 98504	360-664-1225	360-664-5522	<a href="mailto:jthompo@wutc.wa.gov">jthompo@wutc.wa.gov</a>

**APPENDIX B**

**PARTIES' REPRESENTATIVES  
DOCKET NO. TC-041593  
HECKMAN MOTORS, INC.**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
Heckman Motors, Inc.	KEVIN HECKMAN, President 111 East Front Street Port Angeles, WA 98362	360-417-0700	360-452-1460	
Shuttle Express, Inc.	DAVID RICE BROOKS HARLOW Miller Nash, LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101	206-662-8484	206-622-7485	<a href="mailto:David.rice@millernash.com">David.rice@millernash.com</a>
Bremerton-Kitsap Airporter, Inc.	JAMES K. SELLS Ryan, Sells, Uptegraft, Inc., PS 9657 Levin Road N.W. Suite 240 Silverdale, WA 98383	360-307-8860	360-307-8865	<a href="mailto:jimsells@rsulaw.com">jimsells@rsulaw.com</a>
Commission Staff	JONATHAN THOMPSON Assistant Attorney General 1400 S. Evergreen Park Drive S.W. PO Box 40128 Olympia, WA 98504	360-664-1225	360-586-5522	<a href="mailto:jthomps@wutc.wa.gov">jthomps@wutc.wa.gov</a>



**APPENDIX C**

**PROCEDURAL SCHEDULE  
DOCKET NOS. TC-041340/TC-041593**

EVENT	DATE	INTERVAL
Parties to file appearance of counsel, witness lists and exhibit lists for hearing	February 11, 2005	
Evidentiary Hearing	February 17, 2005	
Simultaneous briefs	March 17, 2005	
Initial Order	April 14, 2005	