

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application TC-111306 of)	DOCKET TC-111306
)	
MILLER SCHMER, INC., d/b/a)	
SEATTLE EXPRESS)	ORDER 01
)	
For Extension of Authority under)	
Certificate No. C-1052, For a)	PREHEARING CONFERENCE
Certificate of Public Convenience and)	ORDER
Necessity to Operate Motor Vehicles in)	
Furnishing Passenger and Express)	
Service as an Auto Transportation)	
Company)	
.....)	

1 **NATURE OF PROCEEDING.** On July 20, 2011, Miller Schmer, Inc., d/b/a Seattle Express (Seattle Express), filed with the Washington Utilities and Transportation Commission (Commission) an application to extend its Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company to include passenger service between cruise line terminals 66 and 91 in Seattle and the Seattle-Tacoma International Airport. Notice of the Application was published in the Commission’s weekly Docket of August 2, 2011.

2 On August 31, 2011, Shuttle Express, Inc., d/b/a Shuttle Express, filed a protest to the Application.

3 **CONFERENCE.** The Commission convened a prehearing conference in this matter, along with three other applications from other companies seeking to provide transportation services to the cruise line terminals on the Seattle Waterfront (Dockets TC-111446, TC-111619 and TC-111643), at Olympia, Washington, on Tuesday, November 22, 2011, before Administrative Law Judge (ALJ) Martin Lovinger.

4 **PARTY REPRESENTATIVES.** David W. Wiley, Seattle, Washington, represents
Seattle Express. Brooks E. Harlow, McLean, Virginia, represents Shuttle Express.
Jennifer Cameron-Rulkowski, Olympia, Washington, represents Commission Staff.¹

5 **PETITIONS FOR INTERVENTION.** No party sought to intervene in this docket.

6 **DISCOVERY.** No discovery was requested in this docket.

7 **SCHEDULE.** The Commission initially determined that this docket should be
consolidated with Dockets TC-111446, TC-111619 and TC-111643, but Seattle
Express requested separate consideration and to hold proceedings on its application in
abeyance pending any action in the upcoming session of the Legislature on proposed
legislation that would remove regulation of airport shuttles from the jurisdiction of the
Commission. No other party objected, and the request was granted. A status
conference among the parties is scheduled in this matter for February 23, 2012.

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must
file the original plus **four (4) copies** of all pleadings, motions, briefs, and other
prefiled materials. These materials must conform to the format and publication
guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that
materials 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.

9 All filings must be mailed or delivered to the Executive Director and Secretary,
Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S.
Evergreen Park Drive, S.W., Olympia, Washington 98504-7250. Both the post office
box and street address are required to expedite deliveries by the U.S. Postal Service.

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

- 10 A copy of all filings **must** be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus **four (4) paper copies**, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties **must** simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge identified on Appendix A to this Order as well as to the parties to the proceeding.
- 12 Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS Word) format.
- 13 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal resolution of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited resources but can provide dispute resolution services in some cases, if requested. If parties wish to explore those services, they should contact the Director of the Administrative Law Division, Administrative Law Judge Gregory J. Kopta, at 360-664-1355.
- 14 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent**

such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective December 1, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARTIN LOVINGER
Administrative Law Judge

APPENDIX A

PARTIES REPRESENTATIVES

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
SEATTLE EXPRESS	DAVID W. WILEY Williams, Kastner & Gibbs, PLLC Two Union Square 601 Union Street, Suite 4100 Seattle, WA 98101	206-233-2895	206-628-6611	dwiley@williamskastner.com
SHUTTLE EXPRESS	BROOKS E. HARLOW Lukas, Nace, Gutierrez & Sachs, LLP 8300 Greensboro Drive Suite 1200 McLean, VA 22102	206-650-8206	703-584-8693	bharlow@fcclaw.com
COMMISSION STAFF	JENNIFER CAMERON- RULKOWSKI Assistant Attorney General 1400 S. Evergreen Park Dr. S.W. PO Box 40128 Olympia, WA 98504-0128	360-664-1186	360-586-5522	jcameron@utc.wa.gov
Admin. Law Judge	MARTIN LOVINGER 1300 S Evergreen Park Dr. SW P.O. Box 47250 Olympia, WA 98504-7250	360-664-1163	360-664-2654 [ALD fax only – do <i>not</i> use to file]	mlovinge@utc.wa.gov