

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Request for)	
Commission Approval to Suspend)	DOCKET NO. TC-021135
Provisions of Auto Transportation Tariff)	
Rates and Fares on September 11, 2002,)	ORDER APPROVING
)	SUSPENSION OF AUTO
by)	TRANSPORTATION TARIFF
)	ON SEPTEMBER 11, 2002,
BREMERTON-KITSAP AIRPORTER,)	WITH CONDITIONS
INC., C-903,)	
.....)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a request by Bremerton-Kitsap Airporter, Inc., C-903 (Company or Bremerton-Kitsap) to authorize the Company to suspend the rates and fares provisions of the Company’s Tariff Number 6 on September 11, 2002.

MEMORANDUM

2 Mr. Richard Asche, President of the Company, submitted a petition to the Commission on September 4, 2002, requesting Less Than Statutory Notice (LSN) handling of the petition, allowing the Company to suspend its normal tariff rates and fares on September 11, 2002.

3 Bremerton-Kitsap provides scheduled passenger transportation service to Sea-Tac Airport from points in Kitsap and Pierce Counties.

4 The Company’s petition states the reasons for the request are:

- (1) “To honor the more than three thousand Americans who lost their lives to terrorism on September 11, 2001, we propose to offer free rides to and from Sea-Tac International Airport on Wednesday, September 11, 2002, only.”

- (2) “To all passengers who wish to make contributions in lieu of free transportation on that date, all monies collected on the Kitsap route will be donated to the Navy Relief Fund. Collections made on the Ft. Lewis/McChord route shall be donated to the appropriate Army or Air Force Relief funds. This is to further honor and to show our appreciation to the thousands of military personnel who safeguard our nation and to whom we are deeply indebted.”

FINDINGS OF FACT

- 5 The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, and transfer of public service companies, including auto transportation companies.
- 6 Bremerton-Kitsap is engaged in the business of providing scheduled auto transportation service between Sea-Tac International Airport and points in Kitsap and Pierce Counties under Certificate of Public Convenience and Necessity Number 903, issued by the Commission. Bremerton-Kitsap provides said passenger service under a tariff filed with the Commission. Rates and fares contained in that tariff were approved by the Commission and became effective on August 24, 2002.
- 7 Under RCW 81.28.080, Bremerton-Kitsap may not here suspend its normal tariff rates and fares. However, the Company may make charitable contributions. Instead of making a direct contribution, Bremerton-Kitsap proposes to forego revenue and pass through all donations to the military relief funds. Charitable contributions by privately owned companies are to be paid by the companies' stockholders. Jewel v. Util. & Trans. Comm'n, 90 Wn. 2d 775, 585 P.2d 1167 (1978).
- 8 After reviewing the petition, the Commission finds good cause to support the Company's request and authorize the proposed suspension of tariff rates and fares on September 11, 2002.
- 9 The Commission also finds, however, that this action is a charitable contribution by Bremerton-Kitsap as a Company, that any revenue thus forfeited shall be borne by the owners and/or stockholders of the Company, and lost revenue shall not be borne by subsequent passengers.

CONCLUSIONS OF LAW

- 10 The Commission has jurisdiction over the subject matter and all parties to this proceeding.
- 11 Under RCW 81.28.080, Bremerton-Kitsap may not here suspend its normal tariff rates and fares. Charitable contributions by privately owned companies are to be paid by the companies' stockholders. Jewel v. Util. & Trans. Comm'n, 90 Wn. 2d 775, 585 P.2d 1167 (1978).
- 12 The proposal by Bremerton-Kitsap is consistent with the public interest and should be authorized with the condition stated above.

ORDER

THE COMMISSION ORDERS:

13 That the petition filed by Bremerton-Kitsap Airporter, Inc., to suspend tariff rates and fares on September 11, 2002, is authorized, subject to the following conditions:

- (1) Revenue forfeited by suspending rates and fares shall be assessed against Company owners and/or stockholders and not against subsequent passengers;
- (2) Should the Company elect to implement the authorized suspension of rates and fares, subject to the condition outlined above, the Company must submit a supplement to its filed tariff by September 10, 2002. That supplement must contain a notation that it is being filed in accordance with the provisions authorized by the Commission in Docket TC-021135.
- (3) The Company must maintain accurate records of all passengers travelling on September 11, 2002.

DATED at Olympia, Washington, and effective this day of September, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner