

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

BEELINE TOURS LTD. d/b/a SEATTLE
EXPRESS

Complainant,

v.

BHUPINDER SINGH BRAR d/b/a BRAR
AIRPORT TOWNCAR SERVICE

Respondent.

DOCKET -

FORMAL COMPLAINT

I. PRELIMINARY STATEMENT

1 Beeline Tours LTD. d/b/a Seattle Express (“Beeline” or “Complainant”) files this Formal Complaint against BHUPINDER SINGH BRAR D/B/A BRAR AIRPORT TOWNCAR SERVICE (“Brar”) pursuant to RCW 81.04.110, for violations of RCW 81.68.020 and RCW 81.68.040 and in support thereof alleges as follows:

II. PARTIES AND REPRESENTATIVES

2 Complainant is Beeline Tours LTD, a regulated auto transportation company, whose address is 8110 7th Ave S, Seattle, Washington 98108. Beeline is the holder of Certificate of Public Convenience and Necessity C-001052, which authorizes the following passenger service:
PASSENGER SERVICE

BETWEEN: Hotels in the City of Renton and the Pike Place Market in downtown Seattle.

BETWEEN: Hotels in the City of Sea-Tac, Southcenter Mall, Pike Place Market, and Cruise Terminals #66 and #91.

BETWEEN: Hotels in the City of Tukwila, Southcenter Mall, Pike Place Market, and Cruise Terminals #66 and #91.

PASSENGER SERVICE from hotels in the cities of Tukwila or Sea-Tac to the Sea-Tac Airport with a required intermediate stop at Cruise Terminal #66 or #91 on a single-fare ticket.

3 Beeline is represented by David W. Wiley and Blair I. Fassburg of Williams Kastner & Gibbs
4 PLLC, which has an address of 601 Union Street, Suite 4100, Seattle, Washington 98101.
5 Respondent is Bhupinder Singh Brar d/b/a Brar Airport Towncar Service, a regulated charter
6 and excursion carrier, with an address of 16852 34th Ave S., SeaTac, Washington 98188. Brar
7 is the holder of Certificate No. CH-65072 authorizing Charter and Excursion Carrier Services
8 in the State of Washington. Brar lacks any certificate to provide auto transportation services
9 pursuant to Chapter 81.68 of the Revised Code of Washington.
10 Complainant is not currently aware of the identity of Respondent's counsel with respect to this
11 Complaint.

III. STATEMENT OF FACTS

12 As set forth above, Brar is a regulated and certificated passenger transportation company
13 operating charter and excursion service in the State of Washington. Brar operates pursuant to
14 Certificate CH-65072 and has operated a passenger transportation company in the State of
15 Washington subject to the regulatory authority of the Washington Utilities and Transportation
16 Commission at all times relevant to the instant Complaint.
17 On a date not presently known, Brar commenced providing scheduled passenger transportation
18 between hotels in SeaTac, Washington including the Red Roof Inn Seattle Airport, located at
19 16838 International Blvd., SeaTac, Washington and Cruise Terminals #66 and #91.
20 Brar provides such passenger transportation services via bus to groups of unrelated passengers,
21 who each pay a separate fare of \$15.00 per person each way.
22 On July 12, 2017, via counsel, Beeline issued a cease and desist letter to Brar, advising that
23 Beeline viewed Brar' continuing provision of transportation described herein to constitute auto
24 transportation service in excess of Brar' operating authority and infringing upon Beeline's
25 certificated authority. However, upon information and belief, Brar has continued to provide
26 the passenger transportation service described herein through the date upon which this
27 Complaint was filed.

IV. BASIS FOR COMPLAINT

10 The information set forth in paragraphs 2.1 through 3.4 is incorporated by reference as if fully set forth herein.

11 As a public service company holding a charter and excursion certificate under RCW 81.70, Brar is subject to the regulatory jurisdiction of the Washington Utilities and Transportation Commission. And, pursuant to RCW 81.04.380, Brar is thereby required to comply with all orders and rules promulgated by the UTC. Pursuant to that very statute, RCW 81.04.380, each violation of Commission rules may subject a company who violates those rules to a penalty of up to \$1,000.00.

VIOLATION OF RCW 81.68.020 and RCW 81.68.040

12 RCW 81.68.010(3) provides:

‘auto transportation company’ means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor-propelled vehicle used in the business of transporting persons and their baggage on the vehicles of auto transportation companies carrying passengers, for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town.

Thus, pursuant to statutory definition, by providing transportation to passengers over a regular route or between fixed termini, Brar is an “auto transportation company.”

13 Further, pursuant to prior Commission order, the transportation of multiple unrelated passengers on a multiple-stop trip between fixed termini unquestionably qualifies as auto transportation service subject to regulation by the Washington Utilities and Transportation Commission as opposed to limousine service as Brar has contended. *See Washington Util. and Transp. Comm’n v. Shuttle Express*, TC-120323, Order 04 (Mar. 2014).

14 RCW 81.68.020 provides that a corporation or person “may not engage in the business of operating as a common carrier any motor-propelled vehicle for the transportation of persons

and their baggage on the vehicles of auto transportation companies carrying passengers, between fixed termini or over a regular route for compensation on any public highway in this state, except in accordance with this chapter. Further, RCW 81.68.040 provides “an auto transportation company shall not operate for the transportation of persons and their baggage for compensation between fixed termini or over a regular route in this state, without first having obtained from the commission under this chapter a certificate declaring that public convenience and necessity require such operation.” These statutory prohibitions are further supported by Commission rules WAC 480-30-086(1) and (6), which require a certificate from the Commission before operating as a passenger transportation company in the State of Washington and prohibit providing service outside the authority described in the certificate issued.

15 As a corporation or person engaging in the business of operating as a common carrier motor-propelled vehicles (busses) for the transportation of passengers between fixed termini or over a regular route (between the Red Roof Inn in SeaTac, Washington and cruise piers #66 and #91), Brar is thus operating as an auto transportation company. And because it did so without certificate authority from the UTC to provide auto transportation service, it did so in violation RCW 81.68.040 and WAC 480-30-086(1) and (6).

V. REQUEST FOR RELIEF

16 As a party aggrieved by the actions of Brar, Beeline hereby requests that the Commission serve the respondent pursuant to RCW 81.04.110, that Commission Staff initiate its own investigation into the conduct of Brar described herein and permit the full range of discovery permitted by WAC 480-07-400(2)(b) in this proceeding.

17 Further, after hearing, Beeline requests the Commission find that Brar is operating an unauthorized auto transportation service in violation of RCW 81.68.040 and in excess of its operating authority in violation of WAC 480-30-086(1) and (6), as well as infringing upon the operating authority of Beeline. Consequently, Beeline requests the Commission issue such

penalties as the Commission may find just and reasonable (up to \$1,000 per day), as authorized under the laws of the State of Washington.

DATED this 8th day of August, 2017.

RESPECTFULLY SUBMITTED,

/s/ Blair I. Fassburg

Blair I. Fassburg, WSBA #41207

David W. Wiley, WSBA #08614

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