

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of)	DOCKET TC-130708
)	
NORTHWEST SMOKING & CURING, INC. d/b/a SEATAC DIRECT)	ORDER 01
)	PREHEARING CONFERENCE
)	ORDER and NOTICE OF
For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company)	HEARING
)	(Set for October 2, 2013, at
)	9:30 a.m.)
)	
.....)	

1 **NATURE OF PROCEEDING.** On May 7, 2013, Northwest Smoking & Curing, Inc. d/b/a SeaTac Direct (SeaTac Direct) filed an application for a certificate of public convenience and necessity to operate as an auto transportation company, providing closed door scheduled passenger service between the Best Western Lakeway hotel in Bellingham, Washington, and SeaTac International Airport.

2 **CONFERENCE/PRESIDING OFFICER.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington, on August 5, 2013, before Administrative Law Judge Stephany A. Watson, whom the Commission appoints as presiding officer.

3 **APPEARANCES.** Joel Kronenberg, Bellingham, Washington, appeared *pro se* for SeaTac Direct. Michael Fassio, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff).¹ Richard Johnson, Ferndale, Washington, appeared *pro se* for Wickkiser International Companies Inc. d/b/a Bellair Charters & Airporter (Wickkiser). Michael Lauver and John Solin, Oak

¹ In adjudications, the Commission’s regulatory staff participates like any other party, while the Administrative Law Judge or the Commissioners make the decision. To assure fairness, the Commissioners and the presiding administrative law judge do not discuss the merits of the proceeding with regulatory staff or any other party without giving notice and opportunity for all parties to participate. See RCW 34.05.455.

Harbor, Washington, appeared *pro se* for SeaTac Shuttle, LLC d/b/a Whidbey-SeaTac Shuttle (SeaTac Shuttle). Contact information for the parties' representatives is attached as Appendix A to this order.

- 4 **PROTEST AND PETITION FOR INTERVENTION.** Wickkiser timely filed a protest with the Commission on June 4, 2013. Wickkiser currently provides scheduled service between Bellingham and SeaTac International Airport and opposes the application because Wickkiser currently holds an auto transportation certificate and serves the same territory as SeaTac Direct seeks to serve. No party objected to Wickkiser's protest. Wickkiser shall participate as a protestant in this docket.
- 5 SeaTac Shuttle, LLC d/b/a Whidbey-SeaTac Shuttle (SeaTac Shuttle) timely filed a protest with the Commission on June 6, 2013. Commission Staff objected to SeaTac Shuttle's intervention, stating that because SeaTac Shuttle does not operate on the route on which SeaTac Direct seeks authority to operate, SeaTac Shuttle lacks a direct interest in the outcome of this proceeding. The presiding officer considered SeaTac Shuttle's protest as a petition to intervene and, following SeaTac Shuttle's confirmation that it did not intend to broaden the issues of the proceeding, granted SeaTac Shuttle party status as an intervenor. Although SeaTac Shuttle does not have a substantial interest in the proceeding as a direct competitor of the applicant, SeaTac Shuttle's experience in the auto transportation business will assist in the development of the record in this docket and is therefore in the public interest.
- 6 **PROTECTIVE ORDER.** The parties did not request a protective order.
- 7 **DISCOVERY.** The parties agreed that they will engage in discovery informally, and in good faith. All discovery must be completed by September 17, 2013.
- 8 **PROCEDURAL SCHEDULE.** After considering input from the, the Commission adopts the procedural schedule set forth in Appendix B to this order.
- 9 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this docket on **October 2, 2013, at 9:30 a.m.**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Dr., SW, Olympia, Washington.

- 10 **WITNESS LISTS AND HEARING EXHIBITS.** The parties are required to submit to the Commission electronically a list of all witnesses and a list of all proposed exhibits on September 24, 2013, and file the **original plus 3** printed copies of the lists no later than September 25, 2013.
- 11 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** The parties may submit documents electronically through the Commission's web portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. The parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge as well as to the parties to the proceeding. To perfect filing, the parties must file an **original plus 3** printed 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.
- 12 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.
- 13 An electronic 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 flash drive or CD including the filed documents. The 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. The parties agree that the Commission may serve all Commission orders, notices, and other issuances on the parties via e-mail delivery to the parties at the addresses set forth in Appendix A.

- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal resolution of matters before it. The parties are encouraged to consider means of resolving informally any disputed issues. The Commission has limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within 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 August 9, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEPHANY A. WATSON
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET TC-130708**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Applicant	Joel Kronenberg President Northwest Smoking and Curing, Inc. d/b/a SeaTac Direct P.O. Box 2976 Bellingham, WA 98227	360-733-3666	360-733-9152	kronenbergjoel@hotmail.com
Assistant Attorney General	Michael Fassio Assistant Attorney General Washington Utilities and Transportation Commission P.O. Box 40128 Olympia, WA 98504-0128	360-664-1192	360-586-5522	MFassio@utc.wa.gov
Protestant	Richard Johnson President Wickkiser International Companies, Inc. 1416 Whitehorn Street Ferndale, WA 98248	360-543-9368	360-380-1538	richard@airporter.com
Intervenor	Michael Lauver General Manager SeaTac Shuttle, LLC P.O. Box 2895 Oak Harbor, WA 98277	360-679-4003	360-323-8894	mike@seatacshuttle.com
	John Solin Member			john@seatacshuttle.com

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TC-130708

EVENT	DATE
Discovery Deadline	September 17, 2013
Settlement Conference (Parties Only)	September 17, 2013
Exchange of Witness Lists, Exhibit Lists, and Hearing Exhibits among parties and to Presiding ALJ	September 24, 2013 (electronic) September 25, 2013 (hard copy)
Evidentiary Hearing	October 2, 2013