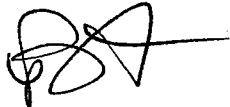


MEMORANDUM

February 15, 2005

TO: Gene Eckhardt, Regulatory Services
Assistant Director, Transportation and Water Section

FROM: Bonnie L. Allen, Regulatory Analyst 

SUBJECT: Application: D079317 Docket: TC041893

3/4/05
J. [unclear]
[unclear]

Seatac Shuttle, LLC
d/b/a Whidbey Seatac Shuttle
PO Box 2895
Oak Harbor, WA 98277

Discussion

On October 25, 2004, Seatac Shuttle, LLC, d/b/a Whidbey SeaTac Shuttle, (Whidbey) filed Application No. D079317 in Docket No. TC041893 for extension of its Certificate of Public Convenience and Necessity No. C-1077 to provide passenger transportation service between Oak Harbor and hotels and motels within a 1-mile radius of the SeaTac International Airport. The application also seeks to utilize any combination of roads and highways to provide its closed-door service when needed to circumvent traffic that would negatively impact its scheduled service.

Application No. D079317 appeared on the Commission's November 15, 2004, application docket. No one filed a protest or petition to intervene during the protest period. Wickkiser International, Inc., (Wickkiser) filed an application for overlapping authority during the 30-day period allowed by WAC 480-30-032. As a result of the overlapping application for authority both files were forwarded to the Administrative Law Division for contemporaneous consideration.

The Administrative Law Division sent notice that the Commission would consider the carriers' failure to protest each other's overlapping applications a "waiver of the right to comparative review" and that the applications would be processed independently and without hearing based on the evidence each carrier submits, unless either carrier requests comparative review within ten days after February 2, 2005, the date of the letter. Both applicants advised the Commission that they do not request comparative review and the files have been returned to staff to process administratively.

Whidbey filed its complete application and has no outstanding penalties, fines, administrative, or compliance actions pending before the commission.

Under the provisions of RCW 81.68.040 the Commission may grant an application with or without hearing when there is no existing certificate holder serving the requested territory. D079317 is an uncontested application for authority to provide passenger transportation services that no existing certificate holder appears to have the authority to serve and therefore no hearing is required.

Recommendation

No hearing is required in this application and there are no issues that suggest staff should ask the Commission to set the application for hearing. Therefore, I recommend this application be forwarded to Licensing Staff to process and prepare an order to grant the application without a hearing.

NOTES TO STAFF:

- The applicant must file verified statements supporting the need for service in the requested territory.
- Staff needs to finalize the company's revised tariff and schedule.
- Because these applications were contemporaneously filed it is my understanding that the orders granting the applications should have the same effective date.