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BEFORE THE WASHINGTON STATE UTILITIES
AND TRANSPORTATION COMMISSION

In the Matter of the Application of

PACIFIC NORTHWEST TRANSPORTATION
SERVICES, INC. D/B/A CAPITAL
AREOPORTER AIRPORT SHUTTLE; CAPITAL
AREOPORTER TOURS & CHARTERS;
AIRPORT SHUTTLE; CAPITAL CITY
CHARTERS; PREMIER AIRPORT SHUTTLE

For Authority to Operate as an Auto Transportation
Company in the State of Washington

DOCKET No. TC-240898

MOTION TO STRIKE EAGLE
TOWNCAR SERVICE, LLC’S
OBJECTION TO PERMANENT
AUTO TRANSPORTATION
AUTHORITY APPLICATION

I. RELIEF REQUESTED

1. Pacific Northwest Transportation Services d/b/a Premier Airport Shuttle/Capital Aeroporter (“*PNTS*”) files this Motion to Strike Eagle Towncar Service, LLC’s (“*Eagle Towncar*”) Objection and deny Eagle Towncar’s request to deny PNTS’ permanent application. PNTS requests the Commission make no ruling concerning PNTS’ permanent application until or when a Brief Adjudicative Proceeding (BAP) is scheduled if the Commission deems it necessary.

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II. STATEMENT OF FACTS

2. On September 23, 2024, Eagle Towncar filed an application for temporary authority as an auto transportation company, proposed scheduled service between five (5) Bellevue-area hotels and Sea-Tac Airport, docketed under TC-240717.

3. On October 15, 2024, PNTS filed an objection to the Eagle Towncar’s temporary application. PNTS attached its own certificate C-862.

4. On November 13, 2024, Eagle Towncar filed an application for permanent authority reflecting the authority previously sought in the temporary certificate application as an auto transportation company, docketed under TC-240856.

5. On November 14, 2024, Eagle Towncar filed its Motion to Strike PNTS’ objection with a request for an expedited hearing and ruling on its temporary certificate application prior to November 26, 2024.

6. On November 19, 2024, PNTS submitted its Auto Transportation Permanent Application for Extension of Authority (“*Permanent Application*”) with the Commission.¹ PNTS’ Permanent Application requests for an extension of its existing auto transportation certificate C-862, under Docket No. TC-240898.

7. PNTS’s Permanent Application requests for a specific narrowly-defined Scheduled Service “between Seattle-Tacoma International Airport and the downtown areas of Redmond,

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¹ Declaration of John E. Fricke in Support of Motion to Strike Eagle Towncar’s Objection dated December 13, 2024 (“*Fricke Decl.*”) at ¶6.



1 Kirkland, and Bellevue...using the I-405, I-90 or SR-518 – dependent on the most favorable traffic
2 conditions at the time of travel.”²

3 8. On the same day, on November 19th, Eagle Towncar filed its “updated” and original
4 financial forecast and balance sheet for the first time with the Commission to complete Eagle
5 Towncar’s application.³

6 9. On November 27, 2024, the Commission granted Eagle Towncar’s Motion to Strike
7 PNTS’s Objection and Eagle Towncar was granted temporary authority under certificate
8 TAC071487 for scheduled service between five (5) Bellevue hotels and SeaTac International
9 airport in Docket TC-240717, pursuant to Order 02.⁴ Upon information and belief, Eagle Towncar
10 actively began transporting passengers via Scheduled Service on December 4, 2024.⁵

11 10. On December 6, 2024, Eagle Towncar filed an objection to PNTS’s Permanent
12 Application and requested PNTS’s Permanent Application be denied by the Commission.

13 11. PNTS’ Counsel now submits this Motion to strike Eagle Towncar’s Objection and their
14 request to deny PNTS’ Permanent Application.

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16 **III. STATEMENT OF ISSUES**

17 12. Whether the Commission should grant PNTS’ Motion to strike Eagle Towncar’s
18 objection when Eagle Towncar does not have standing to object? **YES.**

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² Fricke Decl. at ¶6.

24 ³ Fricke Decl. at ¶11.

25 ⁴ *Id.* at ¶13.

⁵ *Id.* at ¶14.



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IV. EVIDENCE RELIED UPON

13. This response relies upon the papers, files, and pleadings of record with the Washington State Utilities and Transportation Commission (UTC) Docket TC-240717, TC-240856, TC-240898, and the Declaration of John Fricke dated December 13, 2024, together with exhibits attached thereto.

V. ARGUMENT AND AUTHORITY

A. Eagle Towncar Does Not Have Standing to Object to PNTS’s Application.

14. It is undisputed that PNTS’ filed its Permanent Application to extend its auto transportation authority on November 19, 2024. It is also undisputed that Eagle Towncar did not receive temporary authority and hence certificate to operate until November 27, 2024, under Order 02 in Docket TC-240717.

15. Pursuant to WAC 480-30-116(2) Objections:

An existing auto transportation company may object to an application for new authority or an extension of authority published in the application docket *only if the company holds* a certificate that authorizes the same service and the company provides the same service published in the application docket. No company may file an objection to applications for transfers or lease of all or a portion of certificate authority.

[Emphasis added]

16. Although Eagle Towncar currently holds a temporary certificate TAC071487, as of November 27, 2024, for an overlapping portion of PNTS’s Permanent Application under this Docket (TC-240898), Eagle Towncar did not hold a certificate for the overlapping portion on November 19, 2024, and therefore was not operating any scheduled service on November 19, 2024, at the time PNTS filed its application for permanent extension of authority.



1 17. If Eagle Towncar was operating scheduled service on or before November 26,
2 2024, Eagle Towncar, the Objecting Company, would clearly be in violation of numerous
3 Commission Rules and Regulations. *See WAC 480-30-111.*

4 18. Because Eagle Towncar did not hold a certificate until November 27, 2024,
5 authorizing auto transportation authority, it would be impossible for Eagle Towncar to be
6 providing any scheduled service on November 19, 2024, when PNTS filed its pending application
7 for extension of authority.

8 19. Accordingly, Eagle Towncar has no standing to object to PNTS's Permanent
9 Application in Docket No. TC-240898.

10 **B. The Commission Should Strike the Objection to PNTS's Application because Eagle**
11 **Towncar does not Provide the Same Service in the Same Territory as Proposed in**
12 **PNTS's Application.**

13 20. WAC 480-30-116(3) provides that adjudications of auto transportation applications
14 are "limited to the question of whether the objecting company holds a certificate to provide the
15 same service in the same territory, whether the objecting company provides the same service, and
16 whether an objecting company will provide the same service to the satisfaction of the
17 commission."

18 21. As shown above, Eagle Towncar did not hold a certificate to qualify as an objecting
19 company.

20 22. The Commission should first strike Eagle Towncar's objection.

21 23. PNTS's proposed extension of its certificate in its permanent application overlaps
22 in a portion of territory in the authority granted to Eagle Towncar in Docket TC-240717.
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1 24. PNTS' Permanent Application also includes scheduled service applied for in
2 Kirkland and Redmond, which is not the same service in the same territory as applied for by Eagle
3 Towncar under Docket TC-240856. The unique and distinct scheduled service, as applied for,
4 with its route, alternate routes and frequency, is essential to fulfill an unmet public transportation
5 convenience and necessity via the extension of authority by PNTS, as evidenced by numerous
6 supporting statements supplied with PNTS' application.⁶

7 25. PNTS seeks an extension of authority to operate scheduled service between seven
8 hotels in downtown Bellevue and SeaTac International Airport, as shown in the application (04-
9 Attachment-H-Flexible Fare Tarrif Sheet). Whereas Eagle Towncar, in TC-240856, applied for
10 scheduled service between five of the seven same hotels on November 13, 2024, resulting in
11 overlapping locations.⁷

12 26. As such, PNTS respectfully requests the Commission to either approve both
13 PNTS's pending permanent application for extension of authority and Eagle Towncar's pending
14 permanent application as they are, in whole, or consolidate the applications from TC-240856 and
15 TC-240898 into a brief adjudicative proceeding or another appropriate hearing per WAC 480-30-
16 131(1).

17 27. Eagle Towncar was not operating scheduled service to the satisfaction of the
18 Commission, under its temporary grant of auto transportation authority on November 19, 2024.
19 Whereas PNTS has been operating and creating business plans for many years to provide the
20 scheduled service applied for in TC-240898 to meet the needs and demands that serve the public
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24 ⁶ Fricke Decl. at ¶9.

⁷ Fricke Decl. at ¶10.



1 convenience and necessity.⁸ PNTS also submitted its application within thirty (30) days of Eagle
2 Towncar's Application in TC-240856.⁹ Eagle Towncar's grant of temporary authority should not
3 have standing to object to PNTS' permanent application for extension of its Certificate (C-862).

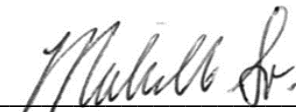
4 28. To date, PNTS has not applied for any temporary auto transportation authority for
5 the same service as Eagle Towncar's grant in temporary authority. It is inappropriate for Eagle
6 Towncar to preemptively respond to an application action not taken by PNTS.

7 **VI. CONCLUSION**

8 29. As shown above, Eagle Towncar does not have standing to be an objecting
9 company to PNTS' permanent application as Eagle Towncar did not and does not hold a certificate
10 that provides the same service in the same territory. Accordingly, PNTS respectfully request that
11 the Commission strike Eagle Towncar's objection.
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13 Respectfully submitted on December 13th, 2024.

14
15 HOLMQUIST + GARDINER, PLLC

16 By: 
17 _____
18 Hamilton H. Gardiner, WSBA #37827
19 Michelle F. So, WSBA #46817
20 Attorneys for PNTS
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24 ⁸ Fricke Decl. at ¶14.

25 ⁹ *Id.*

