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0009

1 P R O C E E D I N G S

2 JUDGE CAILLE: Good afternoon. We are here
3 for an evidentiary hearing in Application No. D-079257
4 of Barry and Amy Muhlbaier, doing business as A&B
5 Specialized Transport, and this is a certificate of
6 public convenience and necessity to operate motor
7 vehicles furnishing passenger and express service as an
8 auto transportation company. The docket number is
9 Docket No. TC-040369. We are convened in a hearing
10 room in Olympia, Washington. Today is August 18th, and
11 it is 3:35 p.m.

12 Before I take appearances, I just want to
13 note for the record that I have received a packet of 13
14 letters expressing the need for this service, and those
15 have been marked as Applicant's Exhibit 1, and I have
16 also received a list of prospective customers. I
17 believe, Mr. Muhlbaier, you said there were about a
18 hundred?

19 MR. MUHLBAIER: Between 85 and 100, yes.

20 JUDGE CAILLE: And that will be marked as
21 Applicant's Exhibit No. 2. Is there any objection to
22 the admission of these exhibits into the record?

23 MR. SWANSON: None from Commission staff,
24 thank you.

25 JUDGE CAILLE: Then Applicant's Exhibits

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1 No. 1 and 2 are admitted in the record. Now let's do
2 appearances. Why don't we begin with you,
3 Mr. Muhlbaier. If you will just state your name and
4 who you represent, because I have a full appearance
5 from you from the prehearing.

6 MR. MUHLBAIER: Barry Muhlbaier representing
7 A&B Specialized Transport.

8 JUDGE CAILLE: For Staff?

9 MR. SWANSON: Chris Swanson, assistant
10 attorney general, representing Commission staff.

11 JUDGE CAILLE: Let the record reflect there
12 are no other appearances. My understanding is that we
13 have two live witnesses on the bridge line, Melissa
14 Von Ruden and Mr. Patrick Doyle. Ms. Von Ruden, would
15 you please raise your right hand and I'm going to swear
16 you in.

17 (Witness sworn.)

18 JUDGE CAILLE: I'm just going to ask you a
19 series of about ten questions, and if you will just
20 speak slowly and distinctly for the benefit of the
21 court reporter so she can record what you are saying.

22 Would you please state your name and spell
23 your last name for the record?

24 MS. VON RUDEN: My name is Melissa Ann
25 Von Ruden. Last name is spelled V-o-n R-u-d-e-n.

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1 JUDGE CAILLE: Okay. And are you employed,
2 Ms. Von Ruden?

3 MS. VON RUDEN: No, I'm not. I'm disabled.

4 JUDGE CAILLE: Where do you live?

5 MS. VON RUDEN: I live in Lakebay,
6 Washington.

7 JUDGE CAILLE: How is it that you know the
8 Applicant, Mr. Muhlbaier?

9 MS. VON RUDEN: His family has watched my
10 child for three years and we have become good friends,
11 and they've always been very, very sweet and
12 trustworthy.

13 JUDGE CAILLE: Do you see a need for
14 door-to-door airporter shuttle service between SeaTac
15 Airport and the Key Kitsap Peninsula area?

16 MS. VON RUDEN: Yes, I do.

17 JUDGE CAILLE: If such a service were
18 available, would you use it?

19 MS. VON RUDEN: Yes, I would.

20 JUDGE CAILLE: How many times a year do you
21 travel to SeaTac Airport?

22 MS. VON RUDEN: About six or seven. It
23 depends on whether I need to pick up family from the
24 airport also.

25 JUDGE CAILLE: So some of the time you are

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1 going yourself and some of the time you have family
2 visiting you?

3 MS. VON RUDEN: Yes, that's right.

4 JUDGE CAILLE: What form of transportation do
5 you use now to get to the airport?

6 MS. VON RUDEN: I myself drive or my husband
7 drives, but it's very difficult because of the stress
8 of driving that far and dealing with airport parking.

9 JUDGE CAILLE: Can you give me an idea of
10 about how far that is that you have to drive?

11 MS. VON RUDEN: I would say normal traffic
12 probably two, two-and-a-half hours.

13 JUDGE CAILLE: Are there currently any
14 airports serving your area?

15 MS. VON RUDEN: Not on the Key Peninsula,
16 only into Gig Harbor.

17 JUDGE CAILLE: How far away would that be for
18 you?

19 MS. VON RUDEN: That's about a 45-minute
20 drive from here.

21 JUDGE CAILLE: That's all the questions I
22 have. Is there anything else you might like to add?

23 MS. VON RUDEN: Nothing else besides the fact
24 I think this would really be a great opportunity for
25 the people on the Key Peninsula to be able to travel

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1 that distance without having to pay the high cost of
2 airport parking.

3 JUDGE CAILLE: Mr. Swanson, do you have any
4 questions for this witness?

5 MR. SWANSON: Just one quick clarifying
6 question. In general, where is the Key Peninsula
7 located?

8 MS. VON RUDEN: Right after Gig Harbor, we
9 are located about -- it goes out about 16 to 20 miles
10 out of Gig Harbor. Out of Purdy, actually, which is a
11 little bit west of Gig Harbor.

12 MR. SWANSON: So it's a portion of the Kitsap
13 Peninsula; is that correct?

14 MS. VON RUDEN: Yes, it is.

15 MR. SWANSON: We have no more questions.

16 JUDGE CAILLE: Thank you very much,
17 Ms. Von Ruden. You are excused.

18 MS. VON RUDEN: Thank you. Have a good day.

19 JUDGE CAILLE: All right, Mr. Doyle, if you
20 will please raise your right hand, I will swear you in.

21 (Witness sworn.)

22 JUDGE CAILLE: Would you please state your
23 name and spell your last name for the court reporter?

24 THE WITNESS: My name is Patrick Doyle,
25 D-o-y-l-e.

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1 JUDGE CAILLE: Are you employed, Mr. Doyle?

2 MR. DOYLE: I am.

3 JUDGE CAILLE: Where are you employed?

4 MR. DOYLE: A company out of Houston, Texas,
5 called FXI Incorporated.

6 JUDGE CAILLE: Could you say that again
7 because we did not catch that.

8 MR. DOYLE: That was FXI Incorporated out of
9 Houston, Texas.

10 JUDGE CAILLE: How is it that you know the
11 Applicant, Mr. Muhlbaier?

12 MR. DOYLE: Well, he is married to my
13 stepdaughter.

14 JUDGE CAILLE: And do you see the need for
15 door-to-door airporter shuttle service between SeaTac
16 Airport and the Key Kitsap Peninsula area?

17 MR. DOYLE: Oh, absolutely.

18 JUDGE CAILLE: If such a service were
19 available, would you use it?

20 MR. DOYLE: I could have used it this
21 morning, yes.

22 JUDGE CAILLE: How many times a year do you
23 travel to SeaTac Airport?

24 MR. DOYLE: That varies. Probably between
25 two to six to pick up relatives.

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1 JUDGE CAILLE: So is some of that business
2 travel and some of it personal?

3 MR. DOYLE: Not for me, no. I do pick up
4 some business people as well. I don't fly.

5 JUDGE CAILLE: So that would be picking up
6 people to come and visit you.

7 MR. DOYLE: Correct.

8 JUDGE CAILLE: What form of transportation do
9 you take to the airport?

10 MR. DOYLE: Grudgingly, I drive myself.

11 JUDGE CAILLE: Are there currently any
12 airporters serving your area?

13 MR. DOYLE: No, there is not.

14 JUDGE CAILLE: I forgot to ask you where you
15 live in the Kitsap Key Peninsula area.

16 MR. DOYLE: My address is a Port Orchard
17 address. I'm actually between Port Orchard and
18 Belfair.

19 JUDGE CAILLE: Did you respond to the
20 question about if there are currently any airporters
21 serving your area?

22 MR. DOYLE: I said there was none.

23 JUDGE CAILLE: Is there anything else you
24 would like to add?

25 MR. DOYLE: Basically, over the last couple

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1 of months, I've talked to a lot of people about the
2 plan they have, and many people thought it was a great
3 idea. A lot of areas where they are looking to serve
4 are remote. The only service in the area requires that
5 you somehow find a ride to a park-and-ride to get a
6 ride from there, and that can be a problem, because
7 like the other girl was saying, anywhere between 15 and
8 20 miles to get to a place to be picked up.

9 Door-to-door service is really looked upon
10 highly out here, and you don't have to deal with the
11 expense and hassle of parking. I don't know how much
12 you deal with the airport. I've dealt with it more
13 than I care to, so I think it would be a big plus out
14 here.

15 JUDGE CAILLE: That's all the questions I
16 have. Are there any questions from Staff?

17 MR. SWANSON: No questions for Mr. Doyle from
18 Commission staff.

19 JUDGE CAILLE: Thank, you, Mr. Doyle. You
20 are excused as well.

21 MR. MUHLBAIER: Thank you, Pat.

22 JUDGE CAILLE: Mr. Muhlbaier, what I intend
23 to do is I have a set of questions for you too, and
24 what I will do is I'll ask you these questions after I
25 swear you in, and most of them, I think, are part of

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1 your application, so if you have that available to you,
2 that probably would help with answering the questions.

3 MR. MUHLBAIER: Actually, I don't have it
4 available to me at this point in time. Let's see if I
5 can find it. I didn't realize I would need it.
6 Whenever you are ready.

7 JUDGE CAILLE: I just wanted to verify that
8 you did get the copy of the prehearing conference order
9 that had the Appendix A attached to it, which sets
10 forth the requirements that an applicant must show in
11 order for the Commission to grant a certificate.

12 MR. MUHLBAIER: Yes, ma'am. That was the
13 appendix showing --

14 JUDGE CAILLE: Actually, it's Appendix C.

15 MR. MUHLBAIER: Appendix C, that was showing
16 the need, having a list of people for the need and that
17 sort of stuff there.

18 JUDGE CAILLE: Right, and that you are fit,
19 willing, and able to provide the service.

20 MR. MUHLBAIER: Yes, ma'am.

21 JUDGE CAILLE: So Mr. Muhlbaier, if you will
22 please raise your right hand, I will swear you in.

23 (Witness sworn.)

24 JUDGE CAILLE: Will you please state your
25 name and spell your last name for the record?

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1 MR. MUHLBAIER: My name is Barry Muhlbaier,
2 M-u-h-l-b-a-i-e-r.

3 JUDGE CAILLE: And are you currently working,
4 Mr. Muhlbaier?

5 MR. MUHLBAIER: Yes, ma'am.

6 JUDGE CAILLE: Where do you work?

7 MR. MUHLBAIER: I work for B&C Trucking out
8 of Port Orchard, Washington.

9 JUDGE CAILLE: How long have you worked for
10 B&C Trucking?

11 MR. MUHLBAIER: I've worked for B&C since
12 March.

13 JUDGE CAILLE: March 2003?

14 MR. MUHLBAIER: No, this year, ma'am. I was
15 off work for a year because I had to get shoulder
16 surgery falling off a truck last year.

17 JUDGE CAILLE: And what is your affiliation
18 with A&B Transport?

19 MR. MUHLBAIER: Co-owner along with my wife.

20 JUDGE CAILLE: Just as an aside, is your wife
21 going to be testifying today?

22 MR. MUHLBAIER: She's here. She can if you
23 need her. If not, no.

24 JUDGE CAILLE: I don't think we will need
25 her. I was just checking.

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1 MR. MUHLBAIER: No, it's just me so far.

2 JUDGE CAILLE: Can you give us A&B
3 Transport's address?

4 MR. MUHLBAIER: Yes, ma'am. It's 601 204th
5 Avenue Court, KPS, and that's Lakebay, Washington,
6 98349.

7 JUDGE CAILLE: Would you generally describe
8 the facilities at that location?

9 MR. MUHLBAIER: It's just a four-bedroom
10 mobile home on two-and-a-half acres and an office out
11 of the home for right now.

12 JUDGE CAILLE: Does A&B offer any
13 transportation services currently?

14 MR. MUHLBAIER: No. I don't want to risk
15 losing everything we've worked for trying to get this
16 passed, so no, I wouldn't take any chances with that.

17 JUDGE CAILLE: Have you completed and filed
18 with the Washington Utilities and Transportation
19 Commission an application to provide door-to-door
20 passenger airporter service between Seattle Tacoma
21 Airport and the Key Kitsap Peninsula area with all the
22 information required by the Commission?

23 MR. MUHLBAIER: Yes, ma'am.

24 JUDGE CAILLE: And statements in the
25 Application, are they still true, or do you have any

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1 changes or modifications to make to the Application?

2 MR. MUHLBAIER: The only changes we have are
3 a newer vehicle we are going to start with.

4 JUDGE CAILLE: Why don't you tell me about
5 that.

6 MR. MUHLBAIER: We got a '98 Windstar. We've
7 got three vehicles that we have available to us. We
8 have a '98 Windstar. We have an '89 Dodge Caravan that
9 I just put a new motor in, and I have an '87 Chevy
10 Suburban that all three of them all have new motors and
11 are in good shape and can be put in service at any
12 point in time.

13 JUDGE CAILLE: So we have three vehicles now.
14 Since we are talking about vehicles, let me skip over
15 to my questions about the vehicles. How do you intend
16 to handle maintenance on the vehicles?

17 MR. MUHLBAIER: For general light changes,
18 minor preventive maintenance, I will do myself, and any
19 major maintenance, I will take the Ford to Bay Ford in
20 Port Orchard, take it to a regular shop to have them
21 fix it.

22 JUDGE CAILLE: And the other two?

23 MR. MUHLBAIER: Also the Chevy will go to
24 Gray Chevrolet in Port Orchard. The Dodge I will take
25 out to Bremerton Dodge. Minor lights, brake lights I

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1 can do myself.

2 JUDGE CAILLE: I'm getting the impression
3 that you have some experience with car maintenance.

4 MR. MUHLBAIER: Yes, ma'am.

5 JUDGE CAILLE: Could you describe that
6 experience for me?

7 MR. MUHLBAIER: Backyard mechanic most of my
8 life. Also, I was a mechanic for several different
9 trucking companies that I had worked for over the 19
10 years of driving truck. I'm very mechanically
11 inclined. I've ripped the motor out of the Dodge
12 Caravan and put a new one in it, and I've pulled the
13 motor out of other vehicles and replaced them and
14 rebuilt them and put them in, changed brakes. Anything
15 from brakes to a motor, I can redo myself.

16 JUDGE CAILLE: I'm impressed. Thank you.
17 Will you be conducting pretrip vehicle inspections?

18 MR. MUHLBAIER: Yes, ma'am.

19 JUDGE CAILLE: Will A&B Transport maintain
20 vehicle maintenance files?

21 MR. MUHLBAIER: Yes, ma'am. Anytime we take
22 it in for brakes, minor repairs, oil changes, whatever,
23 I will have it documented.

24 JUDGE CAILLE: I assume now that you have
25 three vehicles, if a vehicle breaks down, you will

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1 probably use one of those vehicles.

2 MR. MUHLBAIER: Yes, ma'am. The main vehicle
3 that we plan on using for now until we get going and
4 until we get more clientele will be the '98 Windstar
5 with the two other vehicles, and as we build, I plan on
6 upgrading the Windstar into a 15-passenger van.

7 JUDGE CAILLE: Let's go back to your
8 experience, Mr. Muhlbaier. You were talking about
9 working for a number of years for a trucking company.
10 Can you just tell me what your work experience has
11 been?

12 MR. MUHLBAIER: 19 years of commercial
13 driving. I got out of high school and went into the
14 United States Marine Corps, got out in 1985, '86 and
15 started driving right afterwards, and I've been driving
16 truck ever since. I've got over a million to a
17 million-and-a-half miles over the road.

18 JUDGE CAILLE: Can you tell me why you are
19 seeking this authority from the Commission?

20 MR. MUHLBAIER: Well, I like to provide the
21 people in our area because there is no door-to-door
22 service. The closest you can get to where we live
23 right here is Bremerton Kitsap, and they pick you up in
24 Purdy park-and-ride, and I've listened to more people
25 complain about their service.

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1 I've also listened to them complain how hard
2 it is to get a family member or a friend or something
3 to give them a ride into there to be picked up and/or
4 to drive all the way to the airport and have to deal
5 with airport parking and the high prices of their
6 long-term parking, and in turn, I have also really
7 looked into this because I would like to provide a
8 good, strong, home life with my wife and my five
9 children and provide a good living for them.

10 JUDGE CAILLE: If your application is
11 granted, would you be the only service in the Key
12 Kitsap Peninsula area?

13 MR. MUHLBAIER: The only other service that
14 will be directly in this area for door-to-door will be
15 us. As far as I know, we would be the only one who
16 would be granted this authority for this area for
17 door-to-door service.

18 JUDGE CAILLE: So there is other service --

19 MR. MUHLBAIER: Bremerton Kitsap Airporter
20 will operate in the same territory, but they have
21 pickup points. They don't offer door-to-door service.
22 As far as I know, I haven't seen any other airport
23 shuttles out here doing the door-to-door service.

24 JUDGE CAILLE: Bremerton Kitsap was the --

25 MR. MUHLBAIER: They started out being

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1 protestants but they dropped their protest.

2 JUDGE CAILLE: That's correct. So could you
3 please describe for me the service that A&B Transport
4 proposes to provide in this application?

5 MR. MUHLBAIER: Yes, ma'am. We want to
6 provide a door-to-door, as-needed, on-call. Whoever
7 calls needs a ride to the airport, we would provide
8 them with a door-to-door service from their home to the
9 airport and vice versa, from the airport back to their
10 home within our territory.

11 JUDGE CAILLE: Could you describe that
12 territory again?

13 MR. MUHLBAIER: Yes, ma'am. It will go from
14 the Tacoma Narrows Bridge around Gig Harbor to the
15 Mason County line following the Pierce and Kitsap
16 County line all the way up the shoreline all the way up
17 around to the Kitsap Peninsula to the Highway 3 and
18 following Highway 3 until Old Belfair Road, Belfair
19 Road up to the Mason County line and Mason County line
20 between Mason, Kitsap, Pierce and back down to the tip
21 of, I believe it's like Fox Island, ma'am, and back
22 around the shoreline.

23 JUDGE CAILLE: I was just going to ask about
24 your schedule, but are you going to be an on-call
25 business so you do not have a schedule?

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1 MR. MUHLBAIER: We don't have a schedule. It
2 will be on-call. As people call us and need a pickup,
3 we can schedule our pickup times from that. You can't
4 run a schedule and somebody needs a pickup time at 3:30
5 and you tell someone you start at four. It doesn't
6 work like that. So if they need a pickup at 2:30, I
7 will be there to pick them up at 2:30 from their door.

8 JUDGE CAILLE: Can you describe the route you
9 propose for your service?

10 MR. MUHLBAIER: It would be all the, what do
11 you call it, the subroutes of the Kitsap Peninsula, Gig
12 Harbor, Fox Island, Port Orchard, Manchester,
13 Highway 16 across the Tacoma Narrows Bridge to I-5, up
14 to road 200 into SeaTac Airport.

15 JUDGE CAILLE: Who will manage A&B Transport?

16 MR. MUHLBAIER: Myself and my wife.

17 JUDGE CAILLE: And do you have any experience
18 in providing passenger service?

19 MR. MUHLBAIER: Not really, no ma'am. My
20 wife has driven for Bremerton Kitsap Airport Shuttle.
21 She has. I've dealt with the public for 19 years of
22 driving truck. I've hauled cars, dealing with auto
23 transport, dealing with the public, delivering cars to
24 their home and picking them up from their homes, but I
25 have not physically given people rides before, no.

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1 JUDGE CAILLE: Are both you and your wife
2 going to be driving?

3 MR. MUHLBAIER: Yes, ma'am.

4 JUDGE CAILLE: Do you have any management or
5 financial background experience?

6 MR. MUHLBAIER: Financial or --

7 JUDGE CAILLE: Management or financial
8 background.

9 MR. MUHLBAIER: I've owned two of my own
10 trucks before and managed the finances with them, yes.
11 My wife, she runs her own business. She has an Avon
12 business that she manages and runs her financial stuff
13 right now. She is also a stand-in manager for the Avon
14 Corporation, district sales manager. We also have a
15 very, very good, close friend who is a certified public
16 accountant who has offered her expertise and whatever
17 we need. Just call her and she will take care of it.

18 JUDGE CAILLE: Mr. Muhlbaier, does A&B
19 Transport have insurance, or will it acquire insurance
20 prior to commencing operations?

21 MR. MUHLBAIER: Yes, ma'am. I've been in
22 contact with Bratrud Middleton. The gentleman's name
23 is Steven Ridgewell. He will be handling the
24 one-million-dollar liability insurance on the vehicles,
25 because I spoke with airport ground transportation at

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1 the airport, and they said they require one million
2 dollars liability, so that's what we are putting on the
3 vehicle.

4 JUDGE CAILLE: Speaking of the airport, have
5 you looked into a concession agreement with SeaTac
6 Airport authority to pick up and drop off passengers at
7 SeaTac?

8 MR. MUHLBAIER: Yes, ma'am. I talked to
9 them, and once we get our certificate, I need to get
10 ahold of them, fax them a copy of our certificate, also
11 a copy of our insurance, and then they would charge us,
12 I think it's \$200 for a permit to be able to pick up
13 and drop off there.

14 JUDGE CAILLE: Do you propose to hire any
15 drivers, Mr. Muhlbaier?

16 MR. MUHLBAIER: Yes, ma'am. Once we get
17 bigger and get more clientele, yes, ma'am.

18 JUDGE CAILLE: Will you be hiring additional
19 staff as well?

20 MR. MUHLBAIER: Yes, ma'am. As we get
21 bigger, I plan on having a regular office with --

22 JUDGE CAILLE: Dispatchers?

23 MR. MUHLBAIER: Yes, ma'am, everything we
24 need.

25 JUDGE CAILLE: Do you currently have driver

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1 hiring policies and procedures in place?

2 MR. MUHLBAIER: Not as of right now, but we
3 will put in place at the time of hiring drivers. There
4 will be a mandatory drug screening, also a DOT physical
5 to be able to drive for us, and they will have to be at
6 least 25 years old.

7 JUDGE CAILLE: Will A&B Transport train its
8 drivers?

9 MR. MUHLBAIER: Yes, ma'am, we will.

10 JUDGE CAILLE: Do you expect to continue to
11 monitor driver performance?

12 MR. MUHLBAIER: Yes, ma'am. I will do a
13 driver license check once a year to conform with DOT
14 regulations, also for insurance regulations.

15 JUDGE CAILLE: This may have already been
16 covered, but let me ask it. Will A&B Transport comply
17 with Department of Transportation requirements?

18 MR. MUHLBAIER: Yes, ma'am. Our driver
19 regulations will also consist of random drug analysis,
20 or they call them pee tests.

21 JUDGE CAILLE: Could you describe how a
22 passenger would go about obtaining a ticket for A&B
23 Transport service?

24 MR. MUHLBAIER: They would give us a call,
25 give us their name and address and pickup time, and I

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1 would fill out a ticket at the time of the call, and
2 when we get there, I would give them their one-way or
3 round-trip ticket, whichever they would like to have,
4 and hand it to them at that point in time, at the time
5 of pickup.

6 JUDGE CAILLE: Is A&B Transport financially
7 capable of operating an airporter service?

8 MR. MUHLBAIER: Yes, ma'am.

9 JUDGE CAILLE: Could you briefly tell us
10 about some of the assets of A&B Transport?

11 MR. MUHLBAIER: We have the three vehicles
12 ready to go. We have obtained a couple of credit cards
13 to make sure that we have everything. We have about
14 two thousand dollars in the bank ready to be used for
15 the business, and I got a computer.

16 I've got a friend who is working on getting
17 us all the software we need for dispatching and billing
18 payroll and stuff like that so we keep good track of
19 our financial money coming in and money going out and
20 everything.

21 JUDGE CAILLE: Have you or anyone in the
22 company -- so at this point, that would be you and your
23 wife -- been cited for any violation of auto
24 transportation rules?

25 MR. MUHLBAIER: Auto transportation rules?

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1 JUDGE CAILLE: Yes.

2 MR. MUHLBAIER: What would that consist of,
3 ma'am? Like a speeding ticket? I got a speeding
4 ticket over a year ago.

5 JUDGE CAILLE: Let me ask if Ms. Allen can
6 explain exactly what that is.

7 MS. ALLEN: That would be operating without a
8 permit or exceeding any existing permit authority.

9 MR. MUHLBAIER: No, ma'am. You've got a list
10 of all the people who have called us, and I've turned
11 down between 85 and 100 people because I don't want to
12 risk losing what we are trying to start. No, ma'am, I
13 wouldn't chance it.

14 JUDGE CAILLE: Do you have a proposed safety
15 manual?

16 MR. MUHLBAIER: Not as of right now, no.

17 JUDGE CAILLE: Are you familiar in general
18 with accident reporting rules?

19 MR. MUHLBAIER: Yes, ma'am. You have to
20 report an accident to the insurance within 24 hours.
21 If it's with a DOT license, at least with the big
22 trucks I drive now, if you have an accident and there
23 is injuries involved, you have to go in for a drug
24 screening within 24 hours. There are no ands, ifs or
25 buts. You just go straight in and get it done, and

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1 that's what we will have in place also here.

2 JUDGE CAILLE: Are you familiar with the time
3 in service rules for drivers?

4 MR. MUHLBAIER: Yes, ma'am.

5 JUDGE CAILLE: How will you track the
6 driver's time to make sure they do comply with these
7 rules?

8 MR. MUHLBAIER: I will have them fill out a
9 time card every day, punch a time card in and out, and
10 keep track of their pickup times, their delivery times,
11 when they get back to the yard and how much mileage
12 they put on the vehicle each day, and if we get large
13 enough, if and when, since we do not go outside of 100
14 air miles, I know the federal government does not
15 require us to fill out a logbook, but if the state
16 would require us to fill out logbooks, then we would do
17 a logbook.

18 JUDGE CAILLE: You just answered my last
19 question, which is about the 100-mile drivers.
20 Mr. Muhlbaier, I have no other questions right now.
21 Does Commission staff have questions?

22 MR. SWANSON: Just a few questions.
23 Mr. Muhlbaier, could you approximate the value of the
24 three vehicles that you've testified about?

25 MR. MUHLBAIER: Approximate value of all

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1 three combined?

2 MR. SWANSON: I guess each one.

3 MR. MUHLBAIER: The way it sits right now,
4 about \$9,000 for the Windstar. The Suburban is worth
5 about thirty-five hundred to four thousand depending on
6 the market at that time, and our Caravan is probably
7 worth about eighteen hundred to two thousand.

8 MR. SWANSON: And you changed out the motor
9 yourself on the Caravan; is that right?

10 MR. MUHLBAIER: Yes, sir.

11 MR. SWANSON: But you wouldn't it sounds like
12 you have a fair amount of experience in mechanics;
13 correct?

14 MR. MUHLBAIER: Yes, sir. I worked for a
15 company -- I've been doing mechanical work all my life,
16 ever since I've been knee high to a grasshopper. Also,
17 I've worked for several different trucking companies
18 where I've done mechanical work. Water pumps, brakes,
19 tires, you name it, I've done it for them, and with big
20 trucks, the only thing I've not done is full motor
21 rebuild, but I have done full motor rebuild on my own
22 vehicles.

23 MR. SWANSON: You mentioned that you wouldn't
24 be doing the major maintenance on these vehicles. What
25 would be major? What would you consider to be major

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1 maintenance?

2 MR. MUHLBAIER: Anything more than changing
3 lights, the oil. If you got into a water pump, I would
4 rather go ahead and take it into to -- water pumps,
5 electrical problems, I'll take it into the dealership
6 and let them do it, because they guarantee their work,
7 and also there is a guarantee that if there is anything
8 else wrong, they will fix it.

9 It's more or less for liability reasons, to
10 let the ASE certified people take care of the vehicles.
11 I would rather say yes, we took it to a shop for people
12 that you are hauling to give them more comfort and give
13 them assurance that you are maintaining your vehicles
14 the way they should be. You tell them you took it into
15 the Chevy dealer and had it fixed properly.

16 MR. SWANSON: How many passengers can each of
17 the vehicles take?

18 MR. MUHLBAIER: Maximum about four.
19 Actually, the Suburban, I can get five in there along
20 with luggage room. Five with the Suburban. I could go
21 about four with each of the vans.

22 MR. SWANSON: Are there working seat belts in
23 each of those?

24 MR. MUHLBAIER: Yes, sir, there is. I made
25 sure that every seat has a seat belt and it's in

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1 working condition. If it wasn't working, I would
2 replace them.

3 MR. SWANSON: And you currently have a
4 commercial license; is that correct?

5 MR. MUHLBAIER: Yes, sir. I've had a Class H
6 CDL fully endorsed since '92 since they came out with
7 the CDL.

8 MR. SWANSON: Are you endorsed for passenger
9 transportation as well? I know it's not required
10 necessarily, but are you endorsed for that?

11 MR. MUHLBAIER: No, sir, I'm not. My wife
12 is, but I am not. I'm going to acquire my passenger
13 endorsement.

14 MR. SWANSON: When are you planning on doing
15 that?

16 MR. MUHLBAIER: The minute they say we are
17 granted, I'll go get the passenger endorsement, also
18 get the million-dollar liability insurance on the
19 vehicles or on the vehicle we are going to start with.
20 I will have it all in place before we get started.

21 MR. SWANSON: You are not the owner of B&C
22 Trucking; is that correct?

23 MR. MUHLBAIER: No, I'm not the owner of B&C.
24 I work for the gentleman. Bud Pontius is the owner of
25 B&C.

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1 Mr. Muhlbaier.

2 MR. SWANSON: I did have one more question,
3 if you would allow, Your Honor.

4 JUDGE CAILLE: Go ahead.

5 MR. SWANSON: On Exhibit 2, the prospective
6 passenger list, how did these individuals hear about
7 you?

8 MR. MUHLBAIER: Before we learned that we had
9 to go through to get the certificate and all that we
10 are going through right now, we put an ad in the phone
11 book, which cost of us twelve hundred dollars, back in
12 March, and ads in the Gig Harbor phone book, so they
13 are looking through the phone book to find our number
14 in there. Also word of mouth of people who know we are
15 trying to start this.

16 MR. SWANSON: That's all the questions
17 Commission staff has. Thank you, Judge.

18 JUDGE CAILLE: That brings up one question
19 for me. Are you planning on advertising other than the
20 ad in the phone book?

21 MR. MUHLBAIER: Yes, ma'am. We are going to
22 add the Gig Harbor phone book, and we missed the Kitsap
23 phone book, but once -- we've also talked to different
24 radio stations of trying to get some advertisement on
25 the radio.

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1 JUDGE CAILLE: Thank you. I have no further
2 questions. I'm going to take this matter under
3 advisement. Let's go off the record just a moment.

4 (Discussion off the record.)

5 JUDGE CAILLE: We are back on the record. We
6 have had an off-record discussion concerning waiver of
7 an initial order, and it's my understanding that both
8 Staff and the Applicant waive the initial order and
9 will proceed to a final order by the Commission; is
10 that correct?

11 MR. MUHLBAIER: That's correct.

12 JUDGE CAILLE: Commission staff?

13 MR. SWANSON: Yes.

14 JUDGE CAILLE: If there is nothing further,
15 then we are adjourned. Thank you very much,
16 Mr. Muhlbaier.

17 MR. MUHLBAIER: Thank you very much.

18 (Evidentiary hearing concluded at 4:22 p.m.)

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