

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SPEEDISHUTTLE WASHINGTON, LLC  
d/b/a SPEEDISHUTTLE SEATTLE

Complainant,

v.

SHUTTLE EXPRESS, INC.,

Respondent.

DOCKET NO.  
TC-161257

ANSWER OF SHUTTLE  
EXPRESS, INC.

1 Shuttle Express, Inc. (“Shuttle Express”) answers the Formal Complaint of Speedishuttle  
Washington LLC (“Speedishuttle”) in this docket as follows:

2 Paragraph 1.1 alleges no facts and therefore no response is required.

3 Paragraph 2.1 is admitted.

4 Paragraph 2.2 is admitted.

5 Paragraph 2.3 is admitted.

6 Paragraph 2.4 is admitted.

7 Paragraph 3.1 is admitted.

8 Paragraph 3.2 is denied.

9 Paragraph 3.3 is admitted.

10 Paragraph 3.4 is denied, except that Shuttle Express admits the Commission has  
commenced investigations and enforcement proceedings against it. The outcomes of  
those proceedings are a matter of public record and speak for themselves.

11 Paragraph 3.5 is denied because the outcome of the proceeding referenced is a matter of  
public record and speaks for itself.

- 12 Paragraph 3.6 is denied because the outcome of the proceeding referenced is a matter of public record and speaks for itself.
- 13 Paragraph 3.7 is denied because the outcome of the proceeding referenced is a matter of public record and speaks for itself.
- 14 Paragraph 3.8 is denied because the outcome of the proceeding referenced is a matter of public record and speaks for itself.
- 15 Paragraph 3.9 is denied because the outcome of the proceeding referenced is a matter of public record and speaks for itself.
- 16 Paragraph 3.10 is denied because the outcome of the proceeding referenced is a matter of public record and speaks for itself.
- 17 Paragraph 3.11 is denied because the outcome of the proceeding referenced is a matter of public record and speaks for itself.
- 18 Paragraph 3.12 is denied.
- 19 Paragraph 3.13 is denied, except that Shuttle Express admits the Commission has commenced investigations and enforcement proceedings against it. The outcomes of those proceedings are a matter of public record and speak for themselves.
- 20 Paragraph 3.14 is denied, in part based on lack of knowledge.
- 21 Paragraph 4.1 is admitted and denied as set forth above.
- 22 Paragraph 4.2 is admitted, except to the extent it characterizes the law, which requires no admission or denial.
- 23 Paragraph 4.3 is admitted, except to the extent it characterizes the law, which requires no admission or denial.
- 24 Paragraph 4.4 is denied because the outcome of the proceeding referenced is a matter of

public record and speaks for itself.

25 Paragraph 4.4 is denied.

26 Paragraph 4.5 is denied.

27 Paragraph 4.6 is admitted, except to the extent it characterizes the law, which requires no  
admission or denial.

28 Paragraph 4.7 is denied.

29 Paragraph 4.8 is denied.

30 Paragraph 5.0 alleges no facts and therefore no response is required.

31 Paragraph 5.1 alleges no facts and therefore no response is required.

#### **AFFIRMATIVE DEFENSES**

32 Shuttle Express alleges the following affirmative defenses to the Complaint:

33 The matters asserted have already been decided by the Commission in multiple  
proceedings, some more than 20 years ago. Accordingly, the matters asserted are barred  
by doctrines of res judicata and collateral estoppel.

34 Speedishuttle has alleged no harm to itself or to the public generally. Accordingly,  
Speedishuttle has no standing to assert a claim or seek relief.

35 Some portion or all of the claims appear to be barred by applicable statutes of limitation.

36 To the extent equitable relief is sought, the claims are barred by the doctrine of laches.

#### **REQUEST FOR RELIEF**

37 The Commission should not exercise its discretion to commence an adjudicative  
proceeding on the Formal Complaint.

38 The Formal Complaint should be stayed pending the conclusion of the rehearing in  
Docket TC-143691 and the complaint in Docket TC-160516.

39 The Formal Complaint should be summarily dismissed with prejudice.

40 Shuttle Express should be granted any further relief as the Commission may deem just and equitable.

Respectfully submitted this 29<sup>th</sup> day of December, 2016.

LUKAS, NACE, GUTIERREZ & SACHS,  
LLP



---

Brooks E. Harlow, WSBA 11843  
Counsel for Shuttle Express, Inc.  
8300 Greensboro Dr. Suite 1200  
McLean, VA 22102  
Phone: 703-584-8680  
Fax: 703-584-8696  
[bharlow@fcclaw.com](mailto:bharlow@fcclaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on December 29, 2016, I served a copy the foregoing document via email, with a copy via first class mail, postage prepaid, to:

Julian Beattie Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0128 (360) 664-1192 Email: jbeattie@utc.wa.gov	David W. Wiley Williams Kastner Two Union Square 601 Union Street, Suite 4100 Seattle, WA 98101 206-233-2895 Email: dwiley@williamskastner.com
--	--

Dated at McLean, Virginia this 29<sup>th</sup> day of December, 2016.



Elisheva Simon  
Legal Assistant