

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

BREMERTON KITSAP AIRPORTER,
INC.,

Respondent.

DOCKET TC-180796

NOTICE REQUIRING ADDITIONAL
FILING;

AND

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING

SETTING TIME FOR ORAL
STATEMENTS

**(Set for November 19, 2018,
at 1:30 p.m.)**

- 1 On September 10, 2018, Bremerton Kitsap Airporter, Inc. (BKA or Company) filed with the Washington Utilities and Transportation Commission (Commission) Time Schedule #24 and revisions to its currently effective Tariff 10, designated as Fourth Revised Title Page, Eighth Revised Page 1, Tenth Revised Page 2, Seventh Revised Page 3, Eighth Revised Page 4, and Ninth Revised Page 5. The stated effective date is October 1, 2018. Time schedule #24 adds a new stop at the Holiday Inn Express located at 11751 Pacific Highway SW, Lakewood; the other tariff revisions constitute administrative changes to tariff rule language and do not affect rates.
- 2 Pacific Northwest Transportation Services, Inc. d/b/a Capital Aeroporter Tours and Charters, (Capital Aeroporter) contacted Staff with concerns about the Company’s Time Schedule #24 and Time Schedule #24 Original Page 1 because the Holiday Inn Express falls within its territory. The Commission construes Capital Aeroporter’s stated concerns as an objection to the Company’s proposal pursuant to WAC 480-30-136.¹

¹ The Commission liberally construes pleadings and motions to effect just results. WAC 480-07-395(4).

3 The matter was heard by the Commission at its regularly scheduled open meeting on
September 27, 2018.

4 On September 27, 2018, the Commission entered Order 01, Complaint and Order
Suspending Proposed Time Schedule; Allowing Tariff Revisions to Become Effective by
Operation of Law (Order 01). Order 01 suspended Time Schedule #24 and Time
Schedule #24 Original Page 1, and stated that the Commission would hold a hearing
regarding the proposed time schedules.

5 Pursuant to RCW 34.05.482, WAC 480-07-610, WAC 480-30-140, and
WAC 480-30-136 the Commission determines that a brief adjudicative proceeding is
appropriate for resolving the issues in this matter.

6 **THE COMMISSION GIVES NOTICE That it will hold a brief adjudicative
proceeding in this matter at 1:30 p.m., on Monday, November 19, 2018, in
Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W.,
Olympia, Washington.**

7 The record in this case will consist of any documents regarding the matter that are
considered by or prepared for the presiding officer for the brief adjudicative proceeding
and a transcript of any oral statements given at the hearing, which statements will be
given under oath.

8 Written notice of any other stage in the proceeding or other formal proceedings that the
Commission may deem appropriate will be given during the course of this case. The
Commission will provide at its offices in Olympia, Washington, copies of documents in
the current record for use by the parties or others who may want to review them.

9 In accordance with WAC 480-30-136(2), the Commission requests that the parties file by
noon, November 13, 2018, the following additional documents for consideration at the
brief adjudicative proceeding:

- (1) Statements from independent witnesses provided by an objecting company to demonstrate that the objecting company is providing the same service as the proposed service, to the satisfaction of the commission.
- (2) Statements from independent witnesses provided by an objecting company to demonstrate that the traveling public will be harmed by the granting of the application.
- (3) Additional supplementary information, evidence or testimony provided by the applicant to demonstrate that public convenience and necessity requires the proposed service.

- 10 The Commission also requests that each party file an exhibit list enumerating and describing all documents the party intends to offer at hearing **no later than noon on Tuesday, November 13, 2018**. Filing shall be in accordance with WAC 480-07-140.
- 11 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 12 The names and mailing addresses of all known parties and their known representatives are as follows:

Applicant: Bremerton-Kitsap Airporter, Inc.
PO Box 1255
Port Orchard, WA 98366
(360) 876-1737
reasche@aol.com

Representative: Williams, Kastner & Gibbs, PLLC
Dave Wiley
601 Union Street, Suite 4100
Seattle, WA 98101-2380
(206) 628-6600
dwiley@williamskastner.com

Protestant: Pacific Northwest Transportation Services, Inc.
d/b/a Capital Aeroporter Airport Shuttle
John E. Fricke, VP Operations
PO Box 2163
Olympia, WA 98507-2163
(360) 292-7680
johnf@capair.com

Commission: Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Jennifer Cameron-Rulkowski
Nash Callaghan
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1186
(360) 664-1187
jennifer.cameron-rulkowski@utc.wa.gov
nash.callaghan@utc.wa.gov

- 13 Administrative Law Judge Andrew J. O’Connell, from the Commission’s Administrative Law Division, will preside during this proceeding.
- 14 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective October 15, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Mark L. Johnson, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____