

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SHUTTLE EXPRESS, INC.,

Petitioner and Complainant,

v.

SPEEDISHUTTLE WASHINGTON,
LLC,

Respondent.

DOCKET NOS.
TC-143691 & TC-160516

SPEEDISHUTTLE'S PETITION FOR
LEAVE TO FILE REPLY TO SHUTTLE
EXPRESS' ANSWER TO
SPEEDISHUTTLE'S PETITION FOR
ADMINISTRATIVE REVIEW

I. PETITION

1 Speedishuttle Washington, LLC (“Speedishuttle”) hereby petitions the Commission for leave to file the attached Reply to the Answer of Shuttle Express to the Petition for Administrative Review of Initial Order 06 it filed on August 24, 2016 (“Speedishuttle Petition”). On September 1, 2016, Shuttle Express filed its Answer in Opposition to the Petition for Administrative Review and a Partial Challenge to Initial Order 06 (“Shuttle Express Answer”), which advanced additional challenges to the Final Order to which a Reply is now warranted.

II. ANALYSIS & AUTHORITY RELIED UPON

2 A party lacking the ability to reply to an answer as a matter of right may petition for leave to reply under WAC 480-07-825(5)(b). Speedishuttle here does not have the automatic right to reply on matters other than the cross answer and supporting statutory analysis Shuttle Express filed in responding to the Petition to Administrative Review of Order 06. But, because Shuttle Express has also raised new matters which were not reasonably anticipated and submitted new and improper evidence and argument in support of its Answer, a Reply is necessary to address these extraordinary arguments. Speedishuttle therefore asks that it be given leave to file the attached Reply.

SPEEDISHUTTLE'S PETITION FOR
LEAVE TO FILE REPLY -1


3 In its Answer, Shuttle Express addressed the following general issues which were not anticipated: The use of the “walkup” issue ostensibly resolved by the Commission on December 14, 2015 as the springboard for its Answer to the Petition for Administrative Review of Initial Order 06 and use of that issue to characterize the entire Rehearing-Complaint proceeding it defends. This argument has now ostensibly morphed into the pervasive basis of its new rendition of what the Rehearing statute provides. It apparently serve as well as the lynchpin for the intemperate characterizations and arguments it makes against Speedishuttle in its Answer in defense of why Shuttle Express’ bare assertions should serve as the basis for relitigating the entire application proceeding including now, Speedishuttle serving as a duplicitous copy of Shuttle Express in the marketplace. And, particularly now, with the injection of improper hearsay, extrinsic, unsworn evidence and argument sought to be used by Shuttle Express in support of its alleged “misleading representations” serving to initiate the entire rehearing of the application case, Speedishuttle should be granted leave for a Reply.

III. CONCLUSION/REQUEST FOR LEAVE

4 Speedishuttle therefore requests the Commission consider the attached Reply to the Answer of Shuttle Express, Inc. to the Petition for Administrative Review of Order 06 which addresses why the new arguments presented in Shuttle Express’ Answer should not change the conclusion that Order 06 granting unrestrained rehearing should be reviewed and modified and/or reversed by the Commission in its discretion under law.

DATED this 12 day of September, 2016.

RESPECTFULLY SUBMITTED,

By 

David W. Wiley, WSBA #08614
Daniel J. Velloth, WSBA #44379
dwiley@williamskastner.com
dvelloth@williamskastner.com
Attorneys for Speedishuttle Washington, LLC

SPEEDISHUTTLE'S PETITION FOR
LEAVE TO FILE REPLY -3

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2016, I caused to be served the original and three (3) copies of the foregoing document to the following address via Fed Ex:

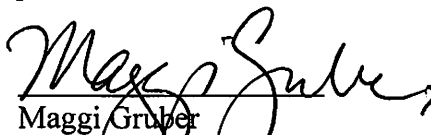
Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
Attn.: Records Center
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250
Attn: Greg Kopta

I further certify that I have also provided to the Washington Utilities and Transportation Commission's Secretary an official electronic file containing the foregoing document via the WUTC's web portal; and

served a copy via email and/or first class mail, postage prepaid, to:

<p>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</p>	<p>Greg Kopta Director/Administrative Law Division 1300 S. Evergreen Park Drive SW P.O. Box 47250 Olympia, WA 98504-7250 (360)-664-1355 gkopta@utc.wa.gov</p>
<p>Brooks Harlow Lukas, Nace, Gutierrez & Sachs, LLP 8300 Greensboro Dr. Suite 1200 McLean, VA 22102 (703) 584-8680 Email: bharlow@fcclaw.com</p>	

Dated at Seattle, Washington this 12th day of September, 2016.


Maggi Gruber
Legal Assistant