

1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION

3 In re Application No. D-079145) Docket No. TC-030489
4 of) Volume II
5) pages 29 - 272
6 SEATAC SHUTTLE, LLC, D/B/A)
7 SEATAC SHUTTLE, for a)
8 Certificate of Public)
9 Convenience and Necessity to)
10 Operate Motor Vehicles in)
11 Furnishing Passenger and)
12 Express Service as an Auto)
13 Transportation Company.)
14 -----

15 A hearing in the above matter was
16 held on June 24, 2003, at 10:00 a.m, at 19325 State
17 Route 20, Oak Harbor, Washington, before Administrative
18 Law Judge KAREN CAILLE.

19 The Parties were present as
20 follows:

21 SEATAC SHUTTLE, LLC, by John J.
22 Solin, President, and Michael Lauver, General Manager,
23 1150 S.E. Dock Street, #201, Oak Harbor, Washington,
24 98277.

25 SHUTTLE EXPRESS and WICKKISER
INTERNATIONAL COMPANIES, by David Rice, Attorney at
Law, Miller Nash, LLP, 4400 Two Union Square, 601 Union
Street, Seattle, Washington, 98101.

 THE COMMISSION, by Mary Tennyson,
Assistant Attorney General, 1400 Evergreen Park Drive
S.W, P.O. Box 40128, Olympia, Washington 98504-00128.

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

MARGARET BUSTOS, CCR
Court Reporter

0030

1

I N D E X

2

3	WITNESS	DIRECT	CROSS	REDIRECT	RE CROSS	EXAMINATION
4	MARTIN	36	42			41
5	BRADKIN	44	48/59	61		
6	MANNINEN	63	70/72	74		
7	DICKERSON	76	81			
8	SEBENS	85	98/109	109		
9	WASINGER	110	115	121		
10	JOHNSON	124	130	137		
11	HEISTAD	138	142	147		
12	EVERETT	149	151/153			
13	BROWN	154	159	167		
14	SOLIN	169	197	208		193
15	LAUVER	211	230			
16	BALDA	241	243	244/246	245	
17	WICKKISER	247				

18

19

20

21

22

23

24

25

0031

1 I D E X Cont.

2

3 EXHIBITS MARKED ADMITTED

4 Joint 1 34 34

5 Applicant's 1 176

6 Protestant's Cross 1 52 272

7 Protestant's Cross 2 52 272

8 Protestant's 3 252 272

9 Protestant's 4 256

10 Protestant's 5 262 272

11 Protestant's 6 263

12

13

14

15

16

17

18

19

20

21

22

23

24

25

0033

1 protestant, Wickkiser International Companies.

2 MS. TENNYSON: I'm Mary Tennyson, T E N
3 N Y S O N, Senior Assistant Attorney General. My
4 address is 1400 South Evergreen Park Drive Southwest,
5 Post Office Box 40128, Olympia, Washington, 98504-0128.
6 My telephone number is 360-664-1220. My fax number is
7 360-586-5522. My Email address is MTENNYSO@WUTC.WA.GOV.
8 And I represent the commission staff in this proceeding.

9 JUDGE CAILLE: Thank you. Let the record
10 reflect there are no other appearances.

11 It's my understanding that there has been
12 some resolution reached regarding the other protestant,
13 which was Shuttle Express.

14 And, Mr. Rice, is it my understanding that
15 you will be withdrawing the protest for that company?

16 MR. RICE: Yes. In fact I will give a copy
17 of the stipulation. I don't know if you received a
18 copy of it or not.

19 JUDGE CAILLE: No, I didn't.

20 MR. RICE: Let me get that out for you.
21 The stipulation states that Shuttle Express has no
22 objection to SeaTac's application so long as the
23 Commission adopts the requested authority with the
24 amendments that the parties have agreed to. And
25 Shuttle Express is remaining a party just in the

0034

1 proceeding just to ensure that takes place.

2 JUDGE CAILLE: All right.

3 MR. RICE: So I guess I should have made an
4 appearance on behalf of Shuttle Express for that
5 limited purpose of just making sure that the language
6 is adopted.

7 JUDGE CAILLE: Adopted and is enforced?

8 MR. RICE: Yes.

9 JUDGE CAILLE: Okay. So let the record
10 reflect that Mr. Rice has indicated that he has entered
11 a limited appearance on behalf of Shuttle Express for
12 the reasons he just stated.

13 All right. Mr. Rice, you filed -- did you
14 file this with the Commission as well?

15 MR. RICE: Yes.

16 JUDGE CAILLE: Okay.

17 MR. RICE: I believe it was filed yesterday.

18 JUDGE CAILLE: I think what I'm going to do
19 is go ahead and mark this as Joint Exhibit No. 1.

20 (Marked Joint Exhibit 1.)

21 JUDGE CAILLE: And that is admitted into
22 the record.

23 (Admitted Joint Exhibit 1.)

24 JUDGE CAILLE: Okay. Unless there's
25 anything further, we'll begin with the testimony.

0035

1 Is there anything further from the other
2 parties?

3 MS. TENNYSON: No.

4 JUDGE CAILLE: All right. Then who will be
5 testifying first?

6 MR. LAUVER: Originally John was, but I see
7 some of our South Whidbey witnesses are here. So in
8 order to facilitate things for them, we'll start there.

9 JUDGE CAILLE: It looks like this is the
10 witness chair.

11 MR. LAUVER: That's the hot seat. We would
12 like to start with Loretta Martin.

13 Whereupon,

14 LORETTA MARTIN,
15 having been first duly sworn, was called as a witness
16 herein and was examined and testified as follows:

17 JUDGE CAILLE: Will you begin just by
18 stating your name and spelling your last name for
19 the court reporter.

20 And I forgot to mention this. For everyone
21 in the room, please speak slowly and distinctly for the
22 benefit of the court reporter. And she may have to
23 stop you if you start speaking too quickly, so you'll
24 have to repeat what you say.

25 So with that, you may begin.

0036

1 THE WITNESS: My name is Loretta, L O R E
2 T T A, Martin, M A R T I N.

3

4 DIRECT EXAMINATION

5 BY MR. LAUVER:

6 Q. Good morning, Loretta.

7 A. Good morning.

8 Q. We'll just go through a few simple
9 questions for you here. Are you currently employed?

10 A. Yes.

11 Q. Where are you employed?

12 A. I'm the executive director of the Langley
13 South Whidbey Island Chamber of Commerce.

14 Q. And as executive director of the Langley
15 South Whidbey Chamber of Commerce, do you feel that you
16 are aware of the needs of the business community and
17 tourism on Whidbey Island?

18 A. Definitely.

19 Q. Do you see a need for a direct, expedited,
20 and convenient shuttle van service between South
21 Whidbey Island and SeaTac Airport?

22 A. Yes.

23 Q. Would such a service enhance tourism and
24 business on Whidbey Island?

25 A. Yes.

0037

1 Q. How many times a year do you travel to
2 SeaTac or to assist others in arranging travel to
3 SeaTac would you estimate?

4 A. I travel to SeaTac infrequently because I
5 have such a demanding job, but I probably assist people
6 in planning trips to SeaTac or from SeaTac approximately
7 30 times a year.

8 Q. And most of that travel that you assist in
9 and the few times that you go, is that for business or
10 pleasure or tourists that are coming in from out of
11 town?

12 A. Tourism.

13 Q. A lot of tourists?

14 A. Yes.

15 Q. And when you assist in such travel, where
16 are the travelers typically going to or departing from?
17 Are they originating on the island?

18 A. They're usually originating on the island
19 trying to go to SeaTac for a flight.

20 Q. Is that primarily down on the south island?

21 A. Yes.

22 Q. What sort of travel do you use when you go
23 to SeaTac, what method of travel?

24 A. I usually take my own car or sometimes try
25 to find somebody to take me.

0038

1 Q. And about how long does that typically take
2 you?

3 A. Depending on the traffic, between two and
4 two and a half hours.

5 Q. Is traveling by your own car your first
6 choice in traveling to SeaTac?

7 A. No.

8 Q. Why is that?

9 A. It's a hassle trying to find somebody who
10 can take me, and if we take our own car, I don't like
11 leaving it at the airport or in one of those parking
12 garages because we've suffered vandalism in the past.

13 Q. Is expense any factor in that parking down
14 there?

15 A. Yes.

16 Q. Do you have any other options -- commercial
17 options for getting to SeaTac?

18 A. I can take my luggage across on the ferry
19 if I have prearranged for Shuttle Express to meet the
20 Mukilteo ferry.

21 Q. So you have to get to the ferry and --

22 A. I have to find a ride to -- yeah, I have to
23 find a ride to the ferry or take Island Transit to the
24 ferry. Then I have to take my luggage on the ferry.
25 And then I have to take my luggage off the ferry. And

0039

1 I have a bad back, so that's a hassle.

2 Q. Do you know what an airporter service is?

3 A. Yes.

4 Q. And what does an airporter service mean to
5 you?

6 A. It means that you would pick -- that people
7 are picked up in a van and with their luggage are taken
8 to the airport from various locations.

9 Q. Are you familiar with the service that
10 SeaTac Shuttle plans to institute?

11 A. Yes.

12 Q. And are you familiar with the locations
13 that SeaTac Shuttle intends to service?

14 A. Yes.

15 Q. Are some of those areas down in your south
16 island?

17 A. Yes, there are several stops along the
18 highway from Coupeville south to Clinton.

19 Q. And are you familiar with SeaTac Shuttle's
20 proposed schedule?

21 A. Yes.

22 Q. Do you see a need for service as proposed
23 by SeaTac Shuttle for yourself or other travelers on
24 the island?

25 A. Definitely.

0040

1 Q. And why?

2 A. Because there is no other really viable
3 service for the people on the south end. It would
4 require either hauling heavy luggage across on the
5 ferry, finding private transportation, or a trip all
6 the way north.

7 Q. Would you use SeaTac Shuttle service if our
8 application was granted?

9 A. Yes.

10 Q. Do you believe you have enough information
11 to gauge the public need for SeaTac Shuttle service?

12 A. Definitely.

13 Q. Do you know of any other people who have a
14 need for SeaTac Shuttle service or would consider using
15 it?

16 A. Hundreds.

17 Q. And let's see here. Have you ever heard of
18 the Wickkiser Airporter shuttle?

19 A. No.

20 Q. So in conclusion then there -- you
21 currently have no other option than using the ferry and
22 catching a shuttle on the Mukilteo side for commercial
23 service to SeaTac?

24 A. I am aware that there is some shuttle
25 service up here in Oak Harbor, but I've never used it,

0041

1 and I've never helped somebody use it because it's so
2 far north. It's impractical.

3 Q. That shuttle service to the best of your
4 knowledge does not service your area?

5 A. It does not. I have been told that it
6 cannot.

7 Q. Do you have anything further you would like
8 to add?

9 A. No.

10 MR. RICE: Okay. Thank you.

11 JUDGE CAILLE: I have a question.

12

13 EXAMINATION

14 BY JUDGE CAILLE:

15 Q. How far is it from -- is it from Langley --
16 is that where you are?

17 A. I live in Freeland. I work in Langley.

18 Q. How far is it -- I would just like to know
19 how far is it from the ferry to Oak Harbor?

20 A. It is 47 approximate miles. It takes
21 approximately an hour depending on the traffic.

22 JUDGE CAILLE: Okay. Does anyone have any
23 questions for Mrs. Martin?

24 MR. RICE: I have some questions.

25 JUDGE CAILLE: Go ahead.

0042

1

2

CROSS-EXAMINATION

3

BY MR. RICE:

4

5

6

Q. My name is Dave Rice, and I have a couple of questions for you. First of all, how do you know the applicant, the two gentlemen?

7

8

9

10

A. They contacted us and told us that they were going to apply for -- or they were hoping to do a service. And I indicated that I felt there was a need for that service.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q. So you don't know each other --

A. No.

Q. -- prior to that?

A. I've met him briefly once.

Q. Uh-huh. And so why is it that you're supporting the applicant's application? What is the basis?

A. Because as the director of a chamber with a large visitor center I'm aware that there is a definite need for this kind of a service.

Q. Okay. And is it -- did I understand you correctly when you said that you're testifying about the needs of hundreds of other people rather than your own need for airporter service; is that correct?

A. Basically I was -- I was directed by my

0043

1 board of directors to testify in support of this
2 service.

3 Q. Uh-huh. And you would never consider using
4 an airporter service that left out of Oak Harbor?

5 A. No.

6 Q. Okay. Are you -- you said you arranged the
7 travel for others. Are you a travel agent?

8 A. By arranging I mean I help people with the
9 information.

10 Q. Uh-huh.

11 A. I don't physically make reservations.

12 MR. RICE: That's all I have.

13 JUDGE CAILLE: Okay. Thank you. You're
14 excused. Unless -- did you have anything more?

15 MR. LAUVER: No, I think we're done. Thank
16 you.

17 JUDGE CAILLE: Okay.

18 MR. LAUVER: We would like to call Mr.
19 William Bradkin at this time.

20 Whereupon,

21 WILLIAM BRADKIN,
22 having been first duly sworn, was called as a witness
23 herein and was examined and testified as follows:

24 JUDGE CAILLE: Please if you will state
25 your name spelling your last name for the court

0044

1 reporter.

2 THE WITNESS: My name is William Bradkin,

3 B R A D K I N.

4

5 DIRECT EXAMINATION

6 BY MR. LAUVER:

7 Q. Good morning, Bill.

8 A. Good morning.

9 Q. Are you currently employed?

10 A. I am self-employed.

11 Q. Self-employed. And what is your business?

12 A. Coupeville Travel, a travel agency in

13 Coupeville.

14 Q. So as the owner of Coupeville Travel, do

15 you feel that you're aware of the needs of the

16 business community, tourism, and the traveling public

17 on Whidbey Island?

18 A. Yes, I do.

19 Q. Do you see a need for a direct, expedited,

20 convenient shuttle van service between Coupeville and

21 Central Whidbey Island and SeaTac Airport?

22 A. Yes, I do.

23 Q. Would such a service enhance tourism and

24 travel on Whidbey Island?

25 A. It would.

0045

1 Q. If such a service were available, do you
2 feel that a significant percentage of your clients
3 would utilize it?

4 A. I do.

5 Q. And how many -- approximately how many
6 times a year do you travel to SeaTac airport?

7 A. Approximately six.

8 Q. And when you travel to SeaTac, is that
9 generally for business or pleasure?

10 A. Generally for pleasure.

11 Q. When traveling to SeaTac, where do you
12 depart from?

13 A. I depart from my home in Coupeville.

14 Q. Coupeville. What means of transportation
15 do you generally use when you travel to SeaTac?

16 A. Generally I drive my own car and park it in
17 an airport lot or at a hotel.

18 Q. Have you ever used any shuttle service?

19 A. I have. I have used Shuttle Express, and I
20 have used the Belair Shuttle.

21 Q. So you're familiar with both?

22 A. Yes.

23 Q. How long does it take you to drive yourself?

24 A. Well, it varies. I would allow at least
25 three hours depending on ferry traffic and other

0046

1 traffic.

2 Q. When you've used the Airporter Shuttle out
3 of Oak Harbor, approximately how long does that take
4 you from your house?

5 A. Oh, I have to add. I used it once. I have
6 not used it since I've moved here. And the total time
7 from the house would probably be five hours.

8 Q. Is traveling by your own car your first
9 choice in transportation to SeaTac?

10 A. No.

11 Q. Is there any suitable alternative that you
12 see for traveling other than your own car?

13 A. My own car is generally the best alternative
14 I have. I have used Shuttle Express on rare occasions.

15 Q. Do you know what an airporter service is?

16 A. I do.

17 Q. And what does the term airporter mean to
18 you?

19 A. To me it's a commercial service that's
20 generally shared transporting people to and from the
21 airport.

22 Q. Are you familiar with the service that
23 SeaTac Shuttle plans to implement?

24 A. Yes, I am.

25 Q. And are you familiar with the locations

0047

1 that SeaTac Shuttle intends to serve?

2 A. Yes, I am.

3 Q. And what are those locations to the best of
4 your knowledge?

5 A. Well, there's one in Coupeville adjacent to
6 the traffic light and others south on the island, Bay
7 View, and I don't recall the others without referring
8 to notes.

9 Q. Do you need a service like that proposed by
10 SeaTac Shuttle?

11 A. We do.

12 Q. Personally?

13 A. I would use it personally.

14 Q. And what about for your clients?

15 A. I expect many of them would use it.

16 Q. Do you feel that you have enough information
17 to gauge the public's need for a SeaTac Shuttle service?

18 A. Yes, I do.

19 Q. And you mentioned you've used the
20 Airporter. Does the Airporter service Coupeville?

21 A. No, it doesn't.

22 Q. It doesn't. So if you were to use the
23 Airporter, you would have to first travel --

24 A. To Oak Harbor.

25 Q. -- to Oak Harbor?

0048

1 And once catching the Airporter Shuttle in
2 Oak Harbor, would that van take you directly to SeaTac?

3 A. I believe all of them require a connection
4 in Mount Vernon.

5 Q. So you would be changing buses in Mount
6 Vernon?

7 A. I believe so.

8 Q. And does it go directly to Mount Vernon, or
9 does it go elsewhere?

10 A. Well, I would have to look at their
11 schedule. The one time I used it it went to Anacortes
12 first, a couple of locations, and to the Farm House Inn
13 and continued from there to Mount Vernon.

14 Q. So the Airporter schedule and route, do
15 they meet your current needs?

16 A. They don't.

17 MR. LAUVER: That's all I have at this time.

18 JUDGE CAILLE: All right. Mr. Rice, do you
19 have any questions?

20 MR. RICE: I do.

21

22 CROSS-EXAMINATION

23 BY MR. RICE:

24 Q. How is it that you know the applicant?

25 A. The applicant came by my office and

0049

1 explained his application and asked if I would testify
2 on his behalf.

3 Q. Okay. And so you don't have any business
4 relationship with the applicant or don't know him
5 beyond that?

6 A. That's correct.

7 Q. Okay. Are you testifying about -- you
8 mentioned you were testifying about the needs of your
9 clients?

10 A. Uh-huh.

11 Q. Are these -- where do these clients
12 originate their travel from?

13 A. Well, most of them originate their travel
14 from their homes on Whidbey Island, concentrated I
15 would suppose on Central Whidbey Island/Coupeville
16 area, some from Oak Harbor, some from South Whidbey.

17 Q. So some of the people you're testifying
18 about are -- you're testifying about the needs of
19 people originating from Oak Harbor?

20 A. A few.

21 Q. Okay. But that's primarily not what you're
22 here to talk about; is that right?

23 A. That's right.

24 Q. Okay. I believe you mentioned you used
25 Airporter Shuttle; am I to understand that correctly?

0050

1 A. That's true.

2 Q. Did you -- did the Airporter van get you to
3 the airport on time?

4 A. Yes, it was as advertised. It was prompt.

5 Q. Uh-huh. Did you feel safe riding in the
6 van?

7 A. I did.

8 Q. Was there any reason that you would not use
9 it again?

10 A. The time factor and the convenience factor
11 are the reasons.

12 Q. So if I can kind of step back a bit. What
13 is the -- could you summarize your reasons for
14 supporting the applicant's application?

15 A. Sure. The application would provide
16 transportation from my local area, Coupeville, directly
17 to the airport.

18 Q. Directly to the airport. What does the
19 word direct mean to you?

20 A. It means I can catch it in Coupeville and
21 get off at the airport, and the time factor would be as
22 direct as if I were to drive my own car.

23 Q. Okay. Do you think direct means non-stop?

24 A. In the airline industry it does not. In
25 the shuttle airporter industry I don't know.

0051

1 Q. Okay. When you think of the applicant's
2 service, and you described it as direct, do you think
3 -- are you referring to a non-stop?

4 A. No, not necessarily. I understand that it
5 would be shared with other people who might board at
6 other points.

7 Q. Okay. Since you've talked about the travel
8 needs of people leaving out of Oak Harbor, I wanted to
9 explore that a little more. You think that those
10 people are interested in something -- what do you think
11 that their need is for?

12 A. Their needs are like anyone else's. They
13 need timely and convenient service to the airport. For
14 Oak Harbor people, the Airporter shuttle is not as
15 inconvenient as it would be for Coupeville people.

16 Q. So you think it's faster? Do you think
17 that the applicant's service would be faster than the
18 Airporter shuttle?

19 A. From Oak Harbor?

20 Q. Yeah.

21 A. I believe it would be. I understand it
22 would be from the schedules that they've proposed.

23 Q. I would like to at this point give you a
24 copy of the schedules, and let's talk about those for a
25 moment.

0052

1 A. All right.

2 MR. RICE: Your Honor, these are copies of
3 the Airporter Shuttle's schedule. And I'm also going
4 to hand out a copy of the proposed schedule for SeaTac
5 Shuttle, the applicant.

6 JUDGE CAILLE: Ms. Tennyson, do you have a
7 copy of these?

8 MS. TENNYSON: I don't. I was about to ask.

9 JUDGE CAILLE: Would you like these
10 identified?

11 MR. RICE: Originally we were going to have
12 these marked as exhibits for our -- for Airporter
13 Shuttle, but we can mark them as cross-exhibits now if
14 you think that is appropriate.

15 JUDGE CAILLE: Okay. Let's mark the Belair
16 Charter's schedule as cross -- let's see. Let's call
17 it Protestant's Cross Exhibit 1.

18 (Marked Protestant Cross Exhibit 1.)

19 JUDGE CAILLE: And the time schedule for
20 the Whidbey Transportation Services as Protestant's
21 Cross Exhibit 2.

22 (Marked Protestant's Cross Exhibit 2.)

23 MR. RICE: Your Honor, if I may, is the
24 applicant's schedule No. 2?

25 JUDGE CAILLE: Is that this one?

0053

1 MR. RICE: That is the applicant's
2 schedule. And that is two?

3 JUDGE CAILLE: Yes.

4 MR. LAUVER: Actually the exhibit is
5 incorrectly headed there. Our application states
6 SeaTac Shuttle.

7 MR. RICE: Did you amend -- did you amend
8 your --

9 JUDGE CAILLE: So what I have on -- where
10 it says company name, I have Whidbey Transportation
11 Services.

12 MR. LAUVER: Right, I see that. That's why
13 I mentioned that.

14 JUDGE CAILLE: Is that correct or incorrect?

15 MR. LAUVER: That's incorrect. It's SeaTac
16 Shuttle, LLC.

17 JUDGE CAILLE: Okay. SeaTac Shuttle, LLC?

18 MR. LAUVER: That's correct.

19 JUDGE CAILLE: Let the record reflect that
20 I am amending Protestant's cross Exhibit 2, the
21 company name, to SeaTac Shuttle, LLC.

22 MR. RICE: Did you --

23 JUDGE CAILLE: Could I ask a question. Can
24 you tell me why it has Whidbey Transportation Services?

25 MR. LAUVER: Prior to filing we had thought

0054

1 about using that name. And how this one is here today,
2 I don't know because we filed everything as SeaTac
3 Shuttle, LLC. Our application is headed as such, and
4 all of the rates and tariffs are also headed as such.

5 MR. RICE: Your Honor, we obtained this
6 from the Commission records department. That's where
7 we got it.

8 MR. SOLIN: Your Honor, this is Mary
9 Tennyson, and the copy of the application that I have in
10 my file includes this with the Whidbey Transportation
11 Services at the top.

12 MR. LAUVER: Then apparently that one
13 slipped in in error. The times and all the factual
14 information on it are the same as the one headed SeaTac
15 Shuttle, LLC.

16 MS. TENNYSON: This is from the proposed
17 tariff which in my file says Whidbey Transportation
18 Services d/b/a SeaTac Shuttle.

19 JUDGE CAILLE: Let's go ahead with these
20 witnesses, and we'll clear this up when -- I just want
21 to get everybody on as quickly as possible.

22 MR. RICE: I understand.

23 JUDGE CAILLE: Go ahead, Mr. Rice.

24 MR. RICE: Thank you.

25 Q. Let's talk about first of all Airporter

0055

1 Shuttle and hold that up. Do you see the corner bottom
2 left-hand --

3 A. Yes.

4 Q. Okay. -- where it says Anacortes, Oak
5 Harbor westbound?

6 A. I do.

7 Q. That's the section of the schedule I'm
8 going to be referring to. It describes travel between
9 Oak Harbor and SeaTac. You can see the departure times
10 along -- the ones I'm going to be referring to are from
11 the Coachman Inn in Oak Harbor. That's the second
12 line down.

13 A. Okay.

14 Q. And the arrival times are along the bottom.
15 Do you see that?

16 A. I do.

17 Q. Okay. And I'm also going to be referring
18 to this, and the departure times from Oak Harbor are
19 listed across the top.

20 A. Yes.

21 Q. And the arrival times are listed along the
22 bottom at SeaTac.

23 A. All right.

24 Q. So referring to those documents, please,
25 suppose one of your clients from Oak Harbor had an 8:30

0056

1 in the morning flight out of SeaTac. Which bus would
2 they take for Airporter -- for SeaTac Shuttle?

3 A. For SeaTac Shuttle this doesn't show a
4 schedule arriving at SeaTac early enough for that.

5 Q. Would they have to take the 4:15 flight the
6 night before?

7 A. The 4:15 bus or van the night before -- the
8 day before, that's true, if they were going to do it
9 this way.

10 Q. If you could turn now to Airporter
11 Shuttle's schedule.

12 A. Okay.

13 Q. Let's assume the same passenger is leaving
14 at 8:30 in the morning, which van would they take out
15 of the Oak Harbor Coachman Inn stop?

16 A. The 3:50 a.m.

17 Q. And they would arrive at what time?

18 A. 6:40 a.m.

19 Q. Would you agree then under those
20 circumstances Airporter Shuttle is faster?

21 A. Under those circumstances the Airporter
22 Shuttle is the only option.

23 Q. Thank you. If we could do one more
24 example. Supposing a passenger had a midnight flight,
25 which SeaTac van would they take from Oak Harbor for

0057

1 that midnight flight?

2 A. Well, on this schedule they would have to
3 leave Oak Harbor at 4:15 p.m.

4 Q. And what time would they get to the
5 airport?

6 A. 6:30 p.m.

7 Q. And turning now to Airporter Shuttle's
8 schedule, what time -- which bus would they take from
9 the Coachman Inn?

10 A. They would leave at 6:10 p.m.

11 Q. And they would arrive when?

12 A. 9:40 p.m.

13 Q. Would you agree that under those
14 circumstances Airporter Shuttle would be faster?

15 A. Under those circumstances it would. It
16 wouldn't be faster, but it would be more appropriate.

17 Q. Are you supporting -- let me ask you this:
18 Can you see on this schedule of SeaTac Shuttle that
19 there are four departure times?

20 A. I see that.

21 Q. And can you see on the Airporter Shuttle
22 schedule there are nine departure times?

23 A. I see that.

24 Q. I believe there's actually nine plus one
25 additional round trip. I'm not sure if it appears on

0058

1 that. Do you think that your clients would prefer to
2 have more round-trip service or fewer round trips?

3 A. Well, I think my clients would prefer
4 to have the option and use whichever one is appropriate
5 for their travel.

6 Q. So your clients are interested in having
7 both of these services operating?

8 A. I suspect so.

9 Q. So if for some reason Airporter Shuttle no
10 longer offered this number of round trips after the
11 grant of this application, say maybe either service
12 went down to the four round trips a day or is
13 eliminated all together, do you think that that would
14 be in the traveling public's interest?

15 A. Well, that's pretty hypothetical. All I
16 can say is if that were the case, somebody would step
17 into the breach, my experience.

18 MR. RICE: That's all my questions.

19 JUDGE CAILLE: All right.

20 MR. LAUVER: I have a few more.

21 JUDGE CAILLE: How about if we have Ms.
22 Tennyson go next, and then you can do your redirect.

23 MR. LAUVER: That's fine.

24

25 CROSS-EXAMINATION

0059

1 BY MS. TENNYSON:

2 Q. Mr. Bradkin, I'm with the Attorney
3 General's Office. I represent the Commission Staff in
4 this case. How long have you been in the travel
5 business on Whidbey Island?

6 A. Ten years.

7 Q. Can you give me a general idea of how
8 frequently the Mukilteo Clinton ferry runs?

9 A. Runs every half hour most of the day.

10 Q. Is it a reliable service or --

11 A. Referring to the ferry?

12 Q. Yes.

13 A. Oh, the ferry is reliable.

14 Q. Do you have times when it doesn't run
15 because of weather?

16 A. I don't recall a single instance of that.

17 Q. Okay. Is there parking available at the
18 ferry terminal for persons who want to, say, leave
19 their vehicle and then cross the ferry, catch a shuttle
20 to take a trip out of SeaTac?

21 A. There is some commercial parking right at
22 the ferry, and there is I believe some free parking
23 nearby requiring a bus or a long walk to get to the
24 ferry.

25 Q. Okay. Can you -- do you have an idea of

0060

1 approximately how many parking spaces are available
2 there?

3 A. The lot that is some distance away is quit
4 large. I wouldn't want to estimate.

5 Q. And can you tell us how far it is from
6 Coupeville to Oak Harbor?

7 A. Coupeville to Oak Harbor is about ten
8 miles.

9 Q. And does it -- is it a 10 or 20 minute
10 drive?

11 A. It is probably a 20 minute drive.

12 Q. Are there parking options available if one
13 were to catch -- to be seeking to catch a shuttle from
14 Oak Harbor?

15 A. Yes.

16 Q. Where would one park?

17 A. The Coachman Inn I believe has parking.

18 Q. Okay.

19 A. I have never done it personally, but it
20 seems like they have considerable parking.

21 Q. Do they -- are they -- do they facilitate
22 travel from Oak Harbor if one was to leave their car
23 there? Do they charge for parking?

24 A. I don't believe they do.

25 Q. Okay. If you were to catch the -- a

0061

1 shuttle by taking the Mukilteo Clinton ferry, the ferry
2 to Mukilteo, do you know how far in advance you would
3 need to make arrangements for the shuttle to meet you
4 at Mukilteo?

5 A. I believe 24 hours would be ample.

6 MS. TENNYSON: I have no further questions.

7 Thank you.

8 JUDGE CAILLE: All right. Redirect?
9

10 REDIRECT EXAMINATION

11 BY MR. LAUVER:

12 Q. You earlier were asked about frequency of
13 van runs and would in essence SeaTac Shuttle be able to
14 accommodate every passenger that wanted to get to
15 SeaTac for any specific flight. In your experience as
16 a travel agent, does any one airline cater to all
17 flight times desired by your clients to get to a
18 specific destination, or do you have to perhaps spread
19 their ticketing over perhaps United to get to Dallas or
20 American to get to Dallas because United's schedule
21 doesn't cover all possibilities?

22 A. Well, there are numerous variables
23 depending on seat availability and fares and the
24 traveler's desires, so I guess I can't say that one
25 airline caters any more to any traveler than any other

0062

1 airline.

2 Q. Let be a little more specific. If United
3 offered a flight at 8:00 a.m. and American offered one
4 at 10:00 a.m., would you not use American for some
5 reason, or would you feel --

6 A. The passenger has the option, and getting
7 to the airport could be a part of the passenger's
8 decision. And generally we just converse about it.
9 How are you going to get to the airport? Are you going
10 to spend the night at a hotel? In that case you might
11 want to go out at 6:00 a.m., et cetera. There are
12 those variables.

13 Q. All right. Regarding parking down at the
14 Clinton Mukilteo ferry, you mentioned a lot that is a
15 free lot that is some distance away?

16 A. I believe so.

17 Q. Is that a park-and-ride lot?

18 A. I believe so.

19 Q. Are there limitations on how long you can
20 leave a car in a park-and-ride lot that you're aware
21 of?

22 A. I do not know.

23 MR. LAUVER: That takes care of it. That's
24 all. Thank you.

25 JUDGE CAILLE: All right. Anything

0063

1 further?

2 MR. RICE: We have nothing.

3 JUDGE CAILLE: Thank you very much. You're
4 excused.

5 It looks like there is someone standing,
6 and I would really like everyone to have a seat. Is
7 that a spare chair?

8 Call your next witness.

9 MR. SOLIN: Yes, we would like to call
10 Diane Manninen.

11 Whereupon,

12 DIANE MANNINEN,
13 having been first duly sworn, was called as a witness
14 herein and was examined and testified as follows:

15 JUDGE CAILLE: And if you'll state your
16 name, spelling your last name for the court reporter.

17 A. My name is Diane Manninen, M A N N I N E N.

18 JUDGE CAILLE: Thank you.

19

20 DIRECT EXAMINATION

21 BY MR. SOLIN:

22 Q. Diane, where do you work?

23 A. I work in Seattle at the Battelle Seattle
24 Research Center.

25 Q. How many times a year would you say you

0064

1 travel to SeaTac?

2 A. I probably travel 12 or more times a year
3 to SeaTac. Some years have been traveling more. And
4 in 2001 for example I traveled every week for six
5 months. But I would say in the typical year about once
6 a month.

7 Q. And is that travel mostly business or
8 pleasure?

9 A. Primarily business and occasionally for
10 pleasure.

11 Q. And where do you travel from when you're
12 heading to SeaTac?

13 A. I travel from my home in Greenbank.

14 Q. When you go to SeaTac, how do you normally
15 get there?

16 A. Well, I've tried pretty much every way you
17 can possibly get to the airport from my house. Most of
18 the time generally I drive my own car and park in the
19 parking garage at the airport. It's the most expensive
20 way, but it's the fastest. I use it when I'm traveling
21 particularly on business and for short trips.

22 I've also taken Shuttle Express from the
23 Mukilteo ferry on a number of occasions when I've been
24 traveling for longer, when it's convenient. It's not
25 always convenient. In that case I will often take

0065

1 Island Transit to the ferry and then walk on the ferry
2 and walk off and get on the transit.

3 But in my experience the Mukilteo ferry
4 terminal is the beginning and the end of the Shuttle
5 Express routes, which means that when you get on the
6 ferry you travel through a lot of neighborhoods in
7 Edmonds and Lynnwood picking up people, so often it
8 takes quite awhile.

9 I've also taken a series of buses to the
10 airport catching Island Transit from my house to the
11 ferry, taking community transit to downtown Seattle,
12 and then from downtown Seattle to the airport taking
13 Metro Transit.

14 Q. What is -- how long does it take if you
15 drive your car?

16 A. Well, if there were no traffic, it would
17 take two hours probably to drive my car to the airport.
18 Most of the time it takes longer. We certainly have
19 to, you know, build in a lot more time because
20 depending upon the wait at the ferry and the traffic on
21 I-5, particularly if you can't take the HOV lane, then
22 you're looking probably at three hours to get to the
23 airport with your car.

24 Q. And how long if you take Shuttle Express at
25 Mukilteo and there are other passengers that are

0066

1 scheduled to be picked up on the way down?

2 A. I would think about three hours to the
3 airport. Like I say they pick you up, and you're often
4 the very first passenger on the van. And then you
5 drive through Edmonds and Lynnwood and pick up other
6 people and eventually get to the airport I would say
7 about three hours later.

8 On the way back it's often longer because
9 you have to wait a while at the airport for Shuttle
10 Express, and again you have to wind your way through
11 the neighborhoods of Edmonds and Lynnwood. And then
12 you're dropped off. And then it depends on which ferry
13 you catch, how late at night it is, but I would say on
14 the average it probably takes four hours to get home.

15 Q. So generally you've stated that driving
16 your car is your first choice only because of the
17 alternatives being considerably longer?

18 A. Right.

19 Q. Do you know what an airporter service is?

20 A. Yes. I've taken them in many cities.

21 Q. And how would describe that term?

22 A. It's a bus or van service that will pick
23 you up from a particular location and then take you
24 directly to the airport.

25 Q. Are you familiar with the service that

0067

1 SeaTac Shuttle plans to offer under this application?

2 A. Yes.

3 Q. Are you familiar with the general locations
4 of where it would pick up passengers on Whidbey?

5 A. Yes.

6 Q. Could you name a few of those.

7 A. Well, I believe they plan to begin in Oak
8 Harbor and then pick up people in Coupeville and
9 Greenbank and Freeland and Clinton.

10 Q. Do you believe with their proposed four
11 trips a day to start that that will serve the public
12 needs initially?

13 A. I think initially it will. I would hope
14 that it will increase based on the popularity of the
15 service. I know I would probably -- it would be a
16 factor in deciding which flight that I would want to
17 take would be the availability of the service.

18 Q. So do you need a service like that proposed
19 by SeaTac Shuttle for your business or your personal
20 travel needs?

21 A. I think it's very -- it would be very good
22 to have such a service.

23 Q. Would you use it if the application were
24 granted?

25 A. Yes.

0068

1 Q. Do you believe you have enough information
2 to gauge the public need for this service?

3 A. I know a number of other people that work
4 in Central and South Whidbey who do a lot of travel. I
5 know one woman who for example makes a trip every week,
6 leaves on Sunday and comes back Friday night, and I
7 know traffic is -- getting to the airport is a problem
8 for her. So I think there's a lot of people that would
9 use the service.

10 Q. Based on these factors do you believe that
11 there is a public need for SeaTac Shuttle's proposed
12 service?

13 A. Yes.

14 Q. Have you ever heard of the Airporter
15 Shuttle operated by Wickkiser International?

16 A. I have.

17 Q. What can you tell me about as you
18 understand how that service serves?

19 A. It's my understanding that it picks up at
20 several locations in Oak Harbor making nine or ten
21 trips a day, but that you have to travel north and go
22 to Mount Vernon and get from a van to a larger bus so
23 transferring and then going directly to the airport.

24 Q. Do you know if they service your community
25 of Greenbank at all?

0069

1 A. They don't.

2 Q. Have you ever considered using their
3 service?

4 A. I have not. All the ways I've gotten to
5 the airport I wouldn't consider using them. It would
6 add at least another half hour to the trip to get to
7 Oak Harbor since I live maybe 35 minutes south of Oak
8 Harbor, and I would have to add that then to what would
9 probably be a four and a half hour trip or whatever it
10 would take. I just -- that maximizes the time that I'm
11 willing to add onto the end of a long trip.

12 Q. So even though they might have nine or ten
13 trips per day, their service does not meet your needs?

14 A. It would just take too much time. I would
15 much rather drive.

16 Q. Does this conclude your testimony?

17 A. Well, there is one other thing that I would
18 like to say, and that is that I've lived on the island
19 now for five and a half years and made numerous trips
20 to the airport. People -- I also work in Seattle,
21 which means -- just east of the University of
22 Washington, so I have a fairly long commute to work.

23 People often ask me how I like living on
24 the island, and how I like my commute. And I always
25 tell them that I love living on the island. I love

0070

1 living on the island. And the commute can be
2 frustrating. But the worst thing about living on the
3 island is getting to the airport.

4 MR. SOLIN: That's all I have. Thank you.

5 JUDGE CAILLE: Mr. Rice?

6 MR. RICE: Thank you.

7

8 CROSS-EXAMINATION

9 BY MR. RICE:

10 Q. How do you know the applicant?

11 A. I have known one of the applicants for a
12 number of years, and he knows I travel a lot, and so he
13 asked me to testify.

14 Q. How is it that you know him? You said
15 you've known him for a number of years. Is it personal
16 or business related?

17 A. Personal.

18 Q. Okay. So do you work -- let's see. Could
19 you restate why you agreed to testify on behalf of the
20 applicant?

21 A. Because he knows I travel a lot, and I have
22 a lot of trouble getting to the airport.

23 Q. And you mentioned that you were from
24 Greenbank. So when you're -- what is your personal
25 need for an airporter service? Is it something

0071

1 originating in Greenbank, or do you have a need for a
2 service originating in Oak Harbor?

3 A. In Greenbank.

4 Q. You want it to originate in Greenbank?

5 A. Oh, yeah, because it's an extra half hour
6 to my trip to drive north.

7 Q. So whether or not there's one leaving from
8 Oak Harbor doesn't make a difference to you?

9 A. No. I've been here five and a half years,
10 and I've taken just about every way of getting to the
11 airport except that one and have known about it.

12 Q. Okay. Were you in the hearing room a
13 moment ago when I spoke to a previous witness about the
14 number of round trips that Airporter Shuttle offers
15 versus the number of round trips that the applicant
16 offers?

17 A. I was.

18 Q. Do you remember what the numbers were?

19 A. Yes.

20 Q. Generally speaking do you prefer more
21 frequent service for an airporter, or do you -- is that
22 not important to you?

23 A. The frequency of service is definitely
24 something that I would look to, but if I had to choose
25 between four trips that go south off of the island

0072

1 taking the ferry versus nine trips that take me five
2 hours, I prefer four. But that's my own, you know,
3 personal preference. I cannot take five hours to get
4 to the airport to and fro.

5 MR. RICE: That's all the questions I have.

6 JUDGE CAILLE: Ms. Tennyson?

7

8 CROSS-EXAMINATION

9 BY MS. TENNYSON:

10 Q. Ms. Manninen, you mentioned at one point
11 when you were talking about going to the airport by
12 car, and you said depending on the wait at the ferry.

13 A. Yes.

14 Q. I had asked the previous witness about the
15 ferry schedule, and he said it leaves about every half
16 hour. Is there an issue with waiting for the ferry?

17 A. Well, the wait for the ferry is not a
18 function of how often the ferry runs. The ferry is
19 extremely reliable. I take it a lot to and from work,
20 and it runs every half hour all day long, and then
21 toward the evening it starts to run every hour. The
22 ferry is very reliable and never is a problem.

23 The wait at the ferry has to do with how
24 many cars are waiting to get on the ferry. So there
25 will be a ferry line, and you may not make a particular

0073

1 boat. So the ferry takes off, but you're still left in
2 the lot waiting for the next boat.

3 So since you can't count on getting the
4 absolute next boat off the ferry, then you might leave
5 a little bit of extra time in the event that you don't
6 make the ferry the same way you might leave extra time
7 to drive up and down I-5 because of heavy traffic,
8 particularly if you're going to the airport by yourself,
9 and you can't use the HOV lane.

10 So it's my understanding that a shuttle
11 type service which could use the HOV lane and
12 particularly if it had special boarding privileges on
13 the ferry would be potentially faster than driving my
14 own car to the airport.

15 Q. Thank you. Do you know, does the ferry
16 have provisions for priority for carpools or multiple
17 persons in vehicles?

18 A. It has for registered carpools. And I am a
19 member of one of those when I go to and from work. But
20 a person -- it's not like an HOV lane where you -- any
21 vehicle with three or more people can get priority
22 boarding. You must be a registered carpool, and then
23 you must be on a particular boat at a particular time.

24 For example I'm on the 5:30 or possibly the
25 6:00 a.m. ferry on my way to work, and I'm on the five

0074

1 o'clock or 5:30 ferry coming home. And the -- but the
2 boarding is -- there's no advantage to having multiple
3 people in your car to board the ferry.

4 MS. TENNYSON: Thank you.

5 JUDGE CAILLE: Any redirect?

6 MR. SOLIN: Yes, I have two questions.

7

8 REDIRECT EXAMINATION

9 BY MR. SOLIN:

10 Q. Again to clarify, if the current operator,
11 Wickkiser, has nine or ten departures from Oak Harbor
12 every two hours or even more frequently versus our
13 proposed four departure to start with, the departures
14 going from Greenbank, which one would you still select?

15 A. Well, I would select the one going from
16 Greenbank.

17 Q. Also regarding the ferry priority boarding,
18 if in fact this shuttle service had priority boarding
19 through the State Ferry System, and there was no
20 concern about not getting on the ferry that you
21 planned, would that meet your traveling needs for the
22 shuttle service portion?

23 A. It would definitely decrease the amount of
24 time that it would potentially take me to get to the
25 ferry, and that would meet my needs, yes.

0075

1 Q. And based on the proposed schedule of
2 SeaTac Shuttle, do you know approximately how long it
3 would take you to get to SeaTac from Greenbank?

4 A. I don't know exactly. I don't think I've
5 seen the actual times posted. I just knew that it was
6 going to be four times a day and, you know,
7 approximately what the times would be. But I haven't
8 seen the actual hours.

9 Q. When you drive your own car from Greenbank
10 and if you had no ferry wait, and you drove right on
11 the ferry when you got to that ferry, how long would it
12 take you to drive your own car to SeaTac?

13 A. That would depend upon traffic on the
14 freeway. For example, tomorrow morning I have a flight
15 out of SeaTac, and if it's a morning where -- at a time
16 of the day when I'm experiencing rush hour traffic, I
17 might think that it would take me about two and a half
18 hours to drive to the airport in rush hour traffic?

19 If it didn't -- I know that it takes me --
20 I can get back from the airport in two hours assuming I
21 can drive right on the ferry. So I would say somewhere
22 around that two, two and a half hour time period
23 depending on the traffic on the freeway.

24 Q. So would it be fair to say that if you took
25 a shuttle that had priority boarding and that was able

0076

1 to use carpool lanes as available with normal traffic
2 flow, that the trip from your home on a shuttle would
3 be approximately two hours or less?

4 A. Yes.

5 MR. SOLIN: That's all I have.

6 JUDGE CAILLE: All right. Anything?

7 MR. RICE: I have nothing further.

8 JUDGE CAILLE: All right. Thank you for
9 testifying.

10 MR. LAUVER: Okay. We would like to have
11 Kattie Dickerson, please.

12 Whereupon,

13 KATTIE DICKERSON,

14 having been first duly sworn, was called as a witness

15 herein and was examined and testified as follows:

16 JUDGE CAILLE: And if you'll please state
17 your name and spell your last name for the court
18 reporter.

19 THE WITNESS: Sarah Kate Dickerson, D I C K
20 E R S O N.

21

22 DIRECT EXAMINATION

23 BY MR. LAUVER:

24 Q. Good morning. Are you currently blissfully
25 unemployed?

0077

1 A. I am. I recently retired as the position
2 of an elementary school principal.

3 Q. Where were you a principal?

4 A. Out of Sacramento, California.

5 Q. And you have a home here on Whidbey Island?

6 A. I do.

7 Q. So you travel fairly frequently between
8 your home on Whidbey Island to SeaTac?

9 A. About 15 to 20 times a year.

10 Q. And that is primarily for business or
11 pleasure?

12 A. Some business, some pleasure, some medical
13 reasons. And then also I pick up children that are
14 coming to visit hopefully very often.

15 Q. So when they come, you have to go pick them
16 up?

17 A. I do.

18 Q. So you make the drive frequently. When you
19 travel to SeaTac, where do you start your travel from?

20 A. Coupeville.

21 Q. Coupeville. That's Central Whidbey?

22 A. Yes, sir.

23 Q. And what is your normal means of getting to
24 SeaTac?

25 A. Normally my husband will drive me, make the

0078

1 long drive down and the long drive back.

2 Q. So you do it by private car?

3 A. We do.

4 Q. About how long do you estimate that takes
5 you to do?

6 A. If he's in a really fast driving mode,
7 about 2 hours and 15 minutes. Typically we have to
8 plan on close to 3 hours because we're not really sure
9 which ferry we will be catching.

10 Q. Is taking your own car your first choice in
11 going to --

12 A. It is not.

13 Q. It is not. And why do you take your car?

14 A. Well, we typically take the car because
15 it's the most convenient way of getting down there. At
16 this point in time if I were to take the shuttle that
17 is out of Oak Harbor, I would have to change vehicles
18 in Mount Vernon, and the ride would take me
19 considerably longer than it would be to drive myself
20 directly.

21 Q. If you have to drive from Coupeville to Oak
22 Harbor I presume?

23 A. That would be an additional 20, 25 minutes.

24 Q. So the current shuttle service does not
25 service Coupeville in --

0079

1 A. No, it does not.

2 Q. Do you know what an airporter service is?

3 A. Yes, I do.

4 Q. Could you tell me what that means to you.

5 A. It's supposed to be a direct transportation
6 service from one location to the airport.

7 Q. Okay. And by direct do you mean going from
8 your point in the most expeditious and direct route
9 without making detours to other areas, or do you mean
10 non-stop?

11 A. It would be regularly scheduled. There
12 would be a time that I could expect to get on and get
13 off. There could be stops along the way, but it would
14 be a direct route.

15 Q. Would you expect it to head in the
16 direction that you were going initially, or would you
17 feel it was direct if it went in the opposite direction
18 to begin with?

19 A. I would want it to go directly in the
20 direction I'm heading. I would not want to head off in
21 the opposite direction by a half hour to an hour.

22 Q. Are you familiar with the service that
23 SeaTac Shuttle proposes?

24 A. I am.

25 Q. And do you see a need for yourself to use

0080

1 such a service?

2 A. I would use it regularly.

3 Q. Okay. And why would you be using SeaTac
4 Shuttle service as opposed to driving your car?

5 A. It would save my husband from driving me
6 down and driving back to get me. It would also --
7 sometimes we do travel together, and when we do travel
8 together it would save us the expense of parking the
9 car at SeaTac and paying outrageous fees.

10 Q. Do you believe you have information to
11 gauge the public's need for SeaTac Shuttle service?

12 A. I do.

13 Q. And do you know any other people that might
14 have a need for SeaTac Shuttle's proposed service?

15 A. All of my neighbors and all the people we
16 checked with about how can we get back and forth to
17 SeaTac.

18 Q. Based on your discussions with the
19 neighbors and your personal need, do you believe
20 there's a public need for SeaTac Shuttle service?

21 A. I do.

22 Q. And have you ever heard specifically of the
23 Wickkiser Airporter?

24 A. I have.

25 Q. And do you know what areas it serves?

0081

1 A. I'm aware that it serves Oak Harbor and
2 north. It makes several stops in Oak Harbor. I'm aware
3 that it goes towards Anacortes. I'm aware there's a bus
4 -- an exchange of vehicles in Mount Vernon.

5 Q. So after Oak Harbor it goes to Anacortes;
6 it does not go to Coupeville?

7 A. That is correct, it does not service
8 Coupeville at all.

9 Q. Have you ever used that service?

10 A. No. After we checked into the schedule and
11 the amount of time it would take, we decided that it
12 was not convenient.

13 Q. So does the Airporter -- the Wickkiser
14 Airporter meet your travel needs?

15 A. Absolutely not.

16 Q. Do you have anything else you would like to
17 add?

18 A. No, sir.

19 MR. LAUVER: Thank you.

20 JUDGE CAILLE: Mr. Rice?

21 MR. RICE: Thank you.

22

23 CROSS-EXAMINATION

24 BY MR. RICE:

25 Q. How do you know the applicants?

0082

1 A. I became familiar with him about two years
2 ago when we purchased our property in the Coupeville
3 area, local business person, and I became friends with
4 him and his wife.

5 Q. Okay. And do you have any kind of business
6 transactions or relationships with him?

7 A. No.

8 Q. And am I to understand correctly that you
9 live in Coupeville?

10 A. I do now.

11 Q. Okay. And why did you agree to testify
12 today?

13 A. Because I think that this would an
14 important service that would be very valuable to the
15 island, and I know that I would definitely use it.

16 Q. So today when you're testifying, you're
17 really talking about your need for service originating
18 in Coupeville only, or do you have any needs for
19 service originating in Oak Harbor?

20 A. I would not need service out of Oak Harbor.
21 I'm familiar with the needs of Coupeville and the
22 Coupeville neighbors that I've made.

23 Q. Did I understand you to say that you've
24 never used Airporter Shuttle service?

25 A. I've not used one out of this area. I used

0083

1 it out of the Sacramento area.

2 Q. Okay. Were you in the hearing room a
3 moment ago when we were talking about the frequency of
4 different services that Airporter Shuttle provides and
5 the frequency of the service that SeaTac Shuttle
6 provides?

7 A. Yes, sir.

8 Q. Okay. Do you recall the number of round
9 trips that each service offered.

10 A. Yes, sir. The SeaTac Shuttle service was
11 going to be about four times a day. The other service
12 was about nine times.

13 Q. Generally speaking would you prefer an
14 airporter that ran more frequently with more round
15 trips?

16 MR. LAUVER: Can I object here. We've
17 already gotten to the point where Ms. Dickerson has
18 stated she's not interested in shuttle service out of
19 Oak Harbor. She's only interested in shuttle service
20 out of Coupeville. The Airporter by its own schedule
21 and exhibit does not provide service out of Coupeville.
22 So the frequency of service provided in an area where
23 Ms. Dickerson has already testified to is of no
24 interest to her is of no relevance.

25 JUDGE CAILLE: Any response, Mr. Rice?

0084

1 MR. RICE: I think it's important for the
2 witness to explain whether or not a more frequent
3 service is important to her and that's --

4 MR. LAUVER: Then I would suggest the
5 question be phrased something to the effect that is our
6 frequency satisfactory to her needs. It has no
7 relevancy to the frequency of the service in an area
8 she's not interested in.

9 MR. RICE: Okay. We'll withdraw the
10 question.

11 JUDGE CAILLE: All right.

12 MR. RICE: That's all I have.

13 JUDGE CAILLE: Ms. Tennyson?

14 MS. TENNYSON: No.

15 JUDGE CAILLE: Any redirect?

16 MR. LAUVER: No, thank you.

17 JUDGE CAILLE: Thank you for testifying.

18 You're excused.

19 Your next witness.

20 MR. SOLIN: We would like to call our next
21 witness as Sue Sebens.

22 Whereupon,

23 SUE SEBENS,

24 having been first duly sworn, was called as a witness

25 herein and was examined and testified as follows:

0085

1 JUDGE CAILLE: If you'll please state your
2 name and spell your last name for the record.

3 THE WITNESS: Sue Sebens, S E B E N S.

4

5 DIRECT EXAMINATION

6 BY MR. SOLIN:

7 Q. To expedite some questions on cross, how do
8 you know me?

9 A. I only know you from coming into my office
10 and asking what my thoughts were about a shuttle
11 service from Oak Harbor to SeaTac.

12 Q. Do we have any business relationships?

13 A. No.

14 Q. Where do you work?

15 A. Oak Harbor Travel.

16 Q. Are you the owner?

17 A. Yes, I am.

18 Q. Based -- as an owner do you feel you are
19 aware of the needs of the business community, tourism,
20 and the traveling public on Whidbey Island?

21 A. Yes, I believe so.

22 Q. Do you see a need for SeaTac Shuttle's
23 direct, expedited, and convenient service between Oak
24 Harbor, Whidbey Island, and SeaTac Airport?

25 A. Yes.

0086

1 Q. Would such a service enhance tourism and
2 travel on Whidbey Island and make it easier for people
3 to travel to the airport?

4 A. Yes, I do.

5 Q. If this service were available, do you feel
6 that your clients would utilize it?

7 A. In the travel business we always like to
8 offer options to our clients, and we let them know what
9 is available to them and help them and aid them in
10 making a decision.

11 MR. SOLIN: I would like to ask the judge
12 without divulging any detailed financial information if
13 it's appropriate to -- with the witness if she's
14 uncomfortable giving information that would be in the
15 public record but still remain in this room. Is there
16 a provision for that?

17 JUDGE CAILLE: We can clear the room and go
18 in camera, which means that only the parties here to
19 this proceeding would hear this. Also we may need some
20 kind of protective order for that as well.

21 MR. SOLIN: That answers the question. I
22 don't think that's an issue. I'll ask the questions.
23 If she's uncomfortable in answering, then she can just
24 say I prefer not to give that information. But I think
25 we've asked appropriate questions. Thank you.

0087

1 Q. Approximately based on an annual basis
2 about how many tickets a day would you say that you're
3 writing for airline tickets out of Oak Harbor to --
4 from SeaTac rather for your Oak Harbor customers?

5 A. On a real good day we like to think that we
6 have at least 20 tickets we run a day.

7 Q. Is there another travel agent in the Oak
8 Harbor area?

9 A. Yes, there is.

10 Q. Would you say that they are larger or
11 smaller than you in business based on their staff
12 and their number of tickets that they write?

13 A. Quite honestly I do not know.

14 Q. Okay. Do you feel that individuals using
15 the internet and calling up ticketing services that are
16 not local also purchase a significant portion of
17 airline tickets today?

18 A. Yes, they do.

19 Q. Would you say that they purchase
20 approximately the same as travel agents in general,
21 more, or less or about the same?

22 A. I would have a hard time answering that
23 specifically. I wouldn't know that. But I would guess
24 that there's a fair amount that do venture out on their
25 own. Number wise I couldn't say. But I would say

0088

1 probably half and half. We do half. They do half.

2 It's increased over time.

3 Q. When Harbor Airlines was flying in Oak
4 Harbor, do you have a feel for about how many tickets
5 or how many people were traveling on Harbor?

6 A. Not offhand, I do not. But I do know that
7 we did sell Harbor Airlines quite a bit.

8 Q. Do you know how many flights a day they
9 used to have roughly? Is it more than ten?

10 A. About ten.

11 Q. Is there currently an airline available to
12 fly out of Oak Harbor?

13 A. No, there is not.

14 Q. Do you know how long Harbor Airlines has
15 been closed?

16 A. Four -- three -- three or four years.

17 Q. About how many times a year do you
18 personally travel to SeaTac?

19 A. I would say between five and eight times a
20 year.

21 Q. And is that business or pleasure?

22 A. I would say both.

23 Q. When you travel, where do you travel from?

24 A. Oak Harbor to SeaTac.

25 Q. When you travel what is your means of

0089

1 transportation?

2 A. If I travel alone, I would prefer to take
3 the shuttle. If I travel with my husband or someone
4 else, I will then take the car because of the HOV
5 lanes. It seems to get me there a little bit quicker.

6 Q. How long does it take if you drive
7 yourself?

8 A. About two, two and a half hours based on
9 traffic once again.

10 Q. Are there any other options for you to get
11 to SeaTac besides driving your car?

12 A. The Airporter Shuttle.

13 Q. And how long does that take according to
14 their schedule or your knowledge?

15 A. I would never leave out of Oak Harbor to
16 take the shuttle. I would always -- if I were to take
17 the shuttle, I would drive to Mount Vernon, leave my
18 car there, or have someone take me to Mount Vernon and
19 leave me there and then return to Mount Vernon.

20 There is a waiting there to take the bus I
21 mean if you get there a little bit early because there
22 is a change from van to bus. That would be the way
23 I would go by myself.

24 Q. Just to clarify if you did in fact take the
25 shuttle from Oak Harbor, do you know how long it would

0090

1 take?

2 A. Three hours and fifteen minutes, three and
3 a half hours.

4 Q. Would you just look at their schedule
5 briefly and pick any flight or any departure, please.
6 Look in the bottom left-hand corner, as Mr. Rice has
7 indicated, you see from the Oak Harbor Coachman, and
8 the bottom is the SeaTac arrival time. Let's go with
9 their first scheduled one where there is not a
10 reservation required. That's the 6:40 a.m. Do you see
11 that?

12 A. Yes, I do.

13 Q. What time does that arrive in Seattle?

14 A. 10:10.

15 Q. And the difference between those times is
16 3 hour and 30 minutes; is that correct?

17 A. That is correct.

18 JUDGE CAILLE: Just for the record, the
19 witness is looking at Protestant's Cross Exhibit No. 2.

20 Q. And continuing then in our questioning, if
21 you drive your own car to Mount Vernon, or someone
22 takes you to Mount Vernon, how long does it take on
23 Airporter Shuttle once they are in Mount Vernon?

24 A. Depends on the stops that they make.

25 Usually it goes from Mount Vernon I believe to

0091

1 Marysville, then there might be one in Tulalip, and
2 then on to SeaTac. So there's maybe two or three
3 stops. I believe it's just two.

4 Q. If you look at the record, I would
5 stipulate that there are two stops -- two potential
6 stops if there are passengers. And according to their
7 schedule that takes how long if you again take the
8 third one over starting at 6:50 in the morning from
9 Mount Vernon. What time does that arrive at SeaTac?
10 It's in the next section up above the one we were just
11 discussing.

12 A. Okay, from Mount Vernon. If you left at
13 6:50, you would arrive at 8:40.

14 Q. That would be 1 hour and 50 minutes?

15 A. That is correct.

16 Q. Approximately how long would it take you to
17 drive your car to the Cotton Tree Motel in Mount
18 Vernon?

19 A. From my home it's about 25 to 30 minutes,
20 40 minutes -- no, I would say 40 minutes.

21 Q. Okay. So what you are saving when you
22 drive yourself is one and a half hours in the van but
23 exchanging that for 45 minutes of your own personal
24 vehicle round trip?

25 A. That's correct.

0092

1 JUDGE CAILLE: Excuse me just a moment. I
2 have to correct the record. I said that we were
3 looking at Protestant's Exhibit No. 2 when actually we
4 were looking at Protestant's Cross Exhibit No. 1, the
5 Belair schedule. So that clarifies the record.

6 You may proceed.

7 MR. SOLIN: Thank you.

8 Q. Do you sell Airporter tickets on --
9 Airporter on -- Wickkiser service through your travel
10 agency to your clients?

11 A. Yes, we do.

12 Q. What would you say is the ratio of the
13 number of people that purchase them and travel from Oak
14 Harbor versus purchase them and travel from Mount
15 Vernon?

16 A. I would say the majority choose Mount
17 Vernon. Maybe a quarter out of Oak Harbor. It depends
18 on whether again if they have no transportation to Mount
19 Vernon, they will definitely leave out of the Coachman
20 if they have a difficult time getting to Mount Vernon.

21 Q. Why do you think they do that?

22 A. There's no other alternative.

23 Q. Is it more convenient for them to drive to
24 Mount Vernon even though the trouble --

25 A. It would avoid going into Anacortes and

0093

1 waiting for the ferry and then heading back into Mount
2 Vernon, yes.

3 Q. So it's more convenient?

4 A. It is more convenient.

5 Q. And if they do that, they also don't have
6 to change buses in Mount --

7 A. That's correct.

8 Q. They just start in Mount --

9 A. That is --

10 Q. -- Vernon?

11 A. -- correct.

12 JUDGE CAILLE: I just want to advise
13 everyone in the room to please let the questionnaire
14 finish their question before you start answering
15 because it's impossible for the court reporter to do
16 two at once.

17 Q. Are you familiar with the locations that
18 SeaTac Shuttle is proposing to offer, the departure
19 locations?

20 A. Yes.

21 Q. Could you describe them as you understand
22 it.

23 A. I believe they would be leaving out of Oak
24 Harbor south of Barrington Avenue going into Coupeville,
25 Greenbank, Freeland, and then on to Clinton.

0094

1 Q. Is that route more direct than Airporter
2 currently offers from Oak Harbor or Mount Vernon?

3 A. Leaving from Oak Harbor that definitely
4 would be.

5 Q. Are you familiar with their proposed
6 schedule times?

7 A. Exact times not very clearly, no.

8 Q. Have you heard the testimony saying how
9 many departures there are?

10 A. Yes, I did.

11 Q. Do you know approximately how long
12 according to their proposed schedule the trip takes
13 from Oak Harbor to SeaTac going down the island with
14 priority boarding on the ferry?

15 A. Yes, I do.

16 Q. How long approximately is that time?

17 A. Two and a half hours.

18 Q. Could she refer to I believe it's Exhibit 2
19 to verify the departure time, the trip time.

20 JUDGE CAILLE: Let the record reflect that
21 the witness is looking at Protestant's Exhibit No. 2.

22 Q. And what departure time is listed as the
23 first departure from Oak Harbor on that proposed
24 schedule?

25 A. 6:45 a.m.

0095

1 Q. What time is it scheduled to arrive at
2 SeaTac?

3 A. 8:45 a.m.

4 Q. Okay. Again this is an I believe incorrect
5 document as we've discussed.

6 A. I'm sorry. No. I'm sorry I'm looking at
7 the wrong thing. I'm reading across. 6:45 a.m.
8 departure arriving at SeaTac at 9:00 a.m.

9 Q. That is correct. And how long is that
10 trip total.

11 A. 2 hours and 45 minutes.

12 Q. I believe -- is that trip 2 hours and 15
13 minutes?

14 A. 15 minutes, excuse me.

15 Q. Okay. So we agree it's 2 hours and 15
16 minutes on our proposed trip time. Is that
17 significantly shorter than the three and a half hour
18 trip from Oak Harbor currently under the Airporter
19 Shuttle schedule?

20 A. Yes, it is.

21 Q. So our proposed shuttle service is more
22 direct and takes less time than the current Airporter
23 Shuttle service; is that correct?

24 A. That is correct.

25 Q. Would you use or would you recommend the

0096

1 availability of our service to your clients?

2 A. Yes, we would.

3 Q. Do you believe you have enough information
4 then to gauge the public need for our proposed service?

5 A. Yes, sir, I do.

6 Q. Again referring to the Airporter schedule,
7 you do realize that they offer nine current departures?

8 A. Yes, I do.

9 Q. Are the majority of your clients using that
10 service from Oak Harbor of those 20 or so tickets that
11 you write a day?

12 A. The majority?

13 Q. Yes.

14 A. I would say not the majority. I would say
15 maybe 25 percent, 25 to 30 percent.

16 Q. Do you recall roughly how many Airporter
17 Shuttle tickets you wrote in the last month -- or six
18 months -- or five months?

19 A. I think about 193 in the past five months.

20 Q. In the last five months. So if we take
21 that number and divide it by the last five months being
22 roughly 150 days, is it correct that means that roughly
23 we are -- you are writing about one to one and a half
24 tickets per day --

25 A. That would be --

0097

1 Q. -- on their current shuttle service?

2 A. That would be correct.

3 Q. And of those one and a half per day, you
4 indicated that 70 or 75 percent are actually for the
5 Mount Vernon service; is that --

6 A. That would be correct.

7 Q. So the number of people from Oak Harbor
8 that you have written tickets on in the last five
9 months has been at most 25 percent of we'll call it
10 200, which is approximately 50 people?

11 A. That would be correct.

12 Q. So Wickkiser is offering nine trips a day
13 from Oak Harbor to SeaTac, and yet as a travel agent on
14 average less than one a day are using the service for
15 nine scheduled departures, is that correct, from your
16 office?

17 A. That would be correct.

18 Q. And of those the majority again are leaving
19 from Mount Vernon not Oak Harbor?

20 A. That would be correct.

21 Q. Does this conclude your testimony?

22 A. Yes, sir.

23 Q. Any other comments?

24 A. No, I don't.

25 JUDGE CAILLE: Mr. Rice.

0098

1 MR. RICE: Can I have a moment to talk to
2 my client?

3 JUDGE CAILLE: Sure.

4 (Discussion off the record.)

5 JUDGE CAILLE: Are you ready?

6 MR. RICE: Yes.

7 JUDGE CAILLE: Okay. You may proceed.

8 MR. RICE: Thank you.

9

10 CROSS-EXAMINATION

11 BY MR. RICE:

12 Q. I believe you said you were familiar with
13 the Airporter Shuttle service?

14 A. That is correct.

15 Q. And you've used it yourself?

16 A. Yes, I have.

17 Q. And did the van get you to the airport on
18 time?

19 A. Yes, it did.

20 Q. And was it safe?

21 A. Yes, it was.

22 Q. What I would like you to do is -- let's try
23 this. When you're -- you mentioned you're a travel
24 agent, and you're making arrangements for travel for
25 passengers originating in Oak Harbor and going to

0099

1 SeaTac, correct?

2 A. That's correct.

3 Q. But when people arrive at SeaTac, are they
4 at their final destination?

5 A. When they arrive at SeaTac? No, they must
6 continue on --

7 Q. Uh-huh.

8 A. -- if they're coming to Oak Harbor.

9 Q. Do most people when they think about the
10 time that it takes to get from their home to the
11 flight, do they consider that that's an important
12 factor, or do they typically consider it to be a more
13 important factor how long it takes to drive?

14 A. Their concern is getting to the airport in
15 the most quickest way possible.

16 Q. And is it important whether or not once
17 they arrive whether or not the flight is leaving in say
18 an hour or maybe four hours later or maybe the next
19 day?

20 A. They would like to be able to arrive at the
21 airport and leave within a two hour amount of time --
22 two hours because they know that there's security that
23 they need to go through.

24 Q. Okay. Well, if you would, please, turn to
25 the documents that are there in front of you, the

0100

1 schedule for Airporter Shuttle and the schedule for
2 SeaTac. Were you in the hearing room when we discussed
3 the flight leaving at 8:30 in the morning?

4 A. Yes, I was.

5 Q. Okay. Do you recall -- let's go through
6 that if you wouldn't mind. Could you please tell me if
7 you were going to take Airporter Shuttle, and you had
8 an 8:30 a.m. flight which bus you would take?

9 A. Out of Oak Harbor?

10 Q. Let's try Oak Harbor Coachman Inn, please.

11 A. If I was to have an 8:30 flight at SeaTac,
12 I would have to then take the 3:50 a.m.

13 Q. You would take the 3:50 a.m. flight?

14 A. If I was to have an 8:30 flight out of
15 SeaTac, that would be correct.

16 Q. And if you would turn to SeaTac's schedule,
17 and tell me when you would have to leave for that 8:30
18 flight.

19 A. If I was to take an 8:30 flight, there
20 wouldn't be one.

21 Q. So you would take the airport shuttle from
22 the day before; is that what you would do?

23 A. I would probably go down the night before
24 and spend the night in a hotel.

25 Q. So which would you recommend to your

0101

1 clients as being a faster way of getting to your flight
2 from their home?

3 A. Quite honestly I would try to qualify the
4 client to see exactly what kind of person they are and
5 what kind of stress level they're at. Many are
6 comfortable with going down the night before, getting
7 up, and taking the hotel shuttle to the airport as
8 opposed to trying to get through any traffic on I-5
9 corridor to make the airplane on time.

10 Q. So for those people they're not concerned
11 about the speed of service so much?

12 A. They are concerned about having a
13 hassle-free experience down to SeaTac Airport.

14 Q. Okay. So that's part of it?

15 A. That's part of it. And they also would
16 like to get there as quickly as possible. If it means
17 not having any stress or any hassle, some choose to go
18 down the night before. If some are early risers and do
19 not mind getting up at 3:40 in the morning, then they
20 will choose that. In my experience I have found that
21 that hour of the morning is not real exciting for many
22 of our people.

23 Q. Okay. So getting to the airport at 6:40 in
24 the morning for an 8:30 flight that's not enough time
25 for them, for these people you're talking about?

0102

1 A. That would get -- that would be enough
2 time --

3 Q. Okay.

4 A. -- if they chose to be at the Coachman Inn
5 at -- or the Coachman Inn at 3:50 in the morning.

6 Q. Okay. So they would prefer to go down the
7 night before?

8 A. We have been finding a lot of people doing
9 that.

10 Q. It's not faster, but that's their
11 preference?

12 A. That is correct.

13 Q. Okay. Do you have any clients who take
14 midnight flights, the red eyes?

15 A. Yes, we do.

16 Q. Let's do the same drill again with the
17 midnight flight. Would you tell me what you would do
18 if your client were taking the Airporter if they had a
19 midnight flight, and they were going to take the
20 Airporter Shuttle?

21 A. Well, I would imagine they would probably
22 take the 6:10 out of the Coachman Inn to arrive at
23 SeaTac at 9:40.

24 Q. Uh-huh. And how far in advance of the
25 flight would you get there?

0103

1 A. That would be about another hour and a
2 half, two hours' time.

3 Q. What if you took the SeaTac Shuttle?

4 A. The last flight from the SeaTac Shuttle
5 would be the --

6 Q. 4:15?

7 A. 4:15.

8 Q. So when would your client arrive at the
9 airport?

10 A. At 5:45 -- I'm sorry, 6:30.

11 Q. And that's how long in advance of their
12 flight?

13 A. Several hours, about four hours.

14 Q. Five and a half hours?

15 A. Four or five and a half hours.

16 Q. So which would you tell your client is
17 faster?

18 A. Faster would be the Airporter Shuttle.

19 Q. Okay. That's fine. Let's do one more.
20 Let's suppose your passenger had a 3:00 p.m. flight.

21 Go to the Airporter Shuttle and tell me what time you
22 think that they would -- what van do you think that
23 they will take?

24 A. The 2:10 p.m. out of the Coachman Inn. I'm
25 sorry, they would arrive at what time?

0104

1 Q. Well, yeah, let's say -- you said your
2 clients like to get there about two hours beforehand?

3 A. That is correct.

4 Q. Let's say they had a 3:40 flight. Which
5 one would they take out of the Coachman Inn on the
6 Airporter?

7 A. The 10:10 a.m.

8 Q. Uh-huh. And then they would get to the
9 airport at what time?

10 A. 1:40 p.m.

11 Q. And which one would they take for SeaTac
12 Shuttle?

13 A. If they were to have a 3:30 flight you
14 said?

15 Q. Yeah.

16 A. Then they would take --

17 Q. 3:30 or 3:40?

18 A. Then they would have to take the -- I'm
19 trying to look here. They would take the 8:15 a.m. --

20 Q. 8:45?

21 A. 8:45.

22 Q. And they would arrive at SeaTac at 11:00?

23 A. That is correct.

24 Q. So that's about -- would you agree that's,
25 what, an hour and -- it is 2 hours and 40 minutes

0105

1 before Airporter Shuttle arrives; is that correct?

2 A. That would be correct.

3 Q. Okay. So which one would you tell your
4 clients is faster?

5 A. Faster would be the Airporter Shuttle.

6 Q. Okay. That's fine. Are you aware of the
7 number of round trips offered by Airporter Shuttle --

8 A. Yes --

9 Q. -- and by SeaTac?

10 A. Yes, I am.

11 Q. And do you -- do your clients prefer to
12 have more round trips or fewer round trips generally
13 speaking for the airporter service?

14 A. I think our clients would like to have the
15 most direct route possible to SeaTac Airport.

16 Q. Does it matter whether or not that route is
17 faster? We did have an example -- the three examples I
18 gave you, the Airporter Shuttle got you there faster.

19 MR. LAUVER: Let me object here. He's
20 using the word faster, and in fact they're not faster
21 as demonstrated by their exhibit. Their time in
22 transit is significantly longer than proposed by the
23 applicant. They simply have different arrival and
24 departure times. They are not in any instruction
25 faster.

0106

1 JUDGE CAILLE: All right. This is
2 difficult when an applicant represents themselves so in
3 this -- right now as the applicant what you're doing is
4 putting on your witnesses. We are not doing argument,
5 and that's what you just slipped into. So if you'll
6 just recognize what that is. You'll have an
7 opportunity to make these kind of arguments at the
8 close of today.

9 MR. LAUVER: Thank you.

10 MR. RICE: Thank you.

11 Q. Are you supporting this application with
12 the thought that Airporter Shuttle will continue to
13 offer the same number of round trips in the future, or
14 does that -- I'll let you answer.

15 A. Yes, sir, I think so.

16 Q. Okay. So if Airporter Shuttle were to
17 offer fewer round trips, maybe half or to eliminate its
18 service all together, would that be in the interest of
19 the clients you represent?

20 MR. LAUVER: At the risk of being way off
21 base here again, there's been no testimony or
22 suggestion by the protestant that they would in any way
23 limit their service if this overlapping service is
24 granted. I'm not sure I understand the basis for this
25 question.

0107

1 MR. RICE: If I may speak, our witnesses
2 are going on later in the day, and we have to establish
3 a hypothetical that will relate to their own testimony.
4 And that's just -- there's no other way to do it.

5 JUDGE CAILLE: You know, just if this will
6 help, we look at the record completely and as a whole.
7 And we are taking things out of order in order to
8 accommodate your witnesses. And I'm assuming based on
9 what Mr. Rice said that he'll have a witness testifying
10 to that hypothetical. So we're using it as a
11 hypothetical now.

12 MR. LAUVER: I appreciate your indulgence.

13 JUDGE CAILLE: Sure. And you're doing a
14 great job. I just want you to know.

15 Q. If Airporter Shuttle stopped offering
16 service, do you think -- or cut its service
17 significantly, would the driving public generally be
18 better off or worse off?

19 A. Quite honestly people are pretty flexible,
20 and they go with the flow and take what is being
21 offered. We have found that if people are given
22 options, it's up to them entirely to choose the way
23 that they want to go.

24 If Airporter Shuttle chooses to eliminate
25 some of their routes, well, so be it. I think they

0108

1 will then take -- either drive themselves, go down the
2 night before, or choose the SeaTac Shuttle.

3 Q. Will they be better off though in terms of
4 their travel options?

5 A. I can't speak for them. I can only
6 recommend that -- to them what their options are. It's
7 entirely up to them how long they feel they want to sit
8 at SeaTac waiting for their flight, or whether they
9 would be just really bent out of shape if Airporter
10 Shuttle no longer offered the flight at the times at
11 which they now depart.

12 Having Harbor Air shut down for so many
13 years truly did take a toll on this island. And we
14 have overcome. We deal with what comes our way. And
15 basically if the Airporter Shuttle eliminated some of
16 their runs, so be it. I think we are -- we'll get
17 to the next step.

18 Q. You said that you couldn't speak for your
19 -- if I understood it correctly, you couldn't speak for
20 your clients on this issue; did I understand that
21 correctly, as to whether or not they would be adversely
22 affected if Airporter Shuttle cut service or eliminated
23 it?

24 A. No more or less than when Harbor Airlines
25 shut down. When Harbor Airlines shut down, we saw more

0109

1 people going on the Airporter Shuttle because that was
2 an option -- the only option.

3 Q. When that occurred did that affect the
4 ability to have -- of people to have choices in their
5 travel needs?

6 A. Yes, it did.

7 Q. So is it similar to that of losing
8 Airporter Shuttle, it would affect the ability of the
9 people to have choices?

10 A. Yes, perhaps that would be the case.

11 MR. RICE: That's all I have.

12 JUDGE CAILLE: Ms. Tennyson?

13 MS. TENNYSON: Just one question.

14

15 CROSS-EXAMINATION

16 BY MS. TENNYSON:

17 Q. How long have you been selling travel on
18 the island?

19 A. Personally myself for ten years. The
20 agency has been open in Oak Harbor since 1973.

21 MS. TENNYSON: Thank you.

22 JUDGE CAILLE: Any redirect?

23 MR. SOLIN: Just one.

24

25

0110

1 REDIRECT EXAMINATION

2 BY MR. SOLIN:

3 Q. If the Airporter Shuttle decreased or
4 eliminated their service, and this application was
5 granted to SeaTac Shuttle, and SeaTac Shuttle took up
6 the slack by offering more frequency to handle the loss
7 of service, would that be an enhancement to travel for
8 your clients?

9 A. Yes, it would.

10 MR. SOLIN: That's all I have.

11 JUDGE CAILLE: Okay. Thank you very much.

12 Next witness.

13 MR. SOLIN: I would like to call Greg

14 Wasinger.

15 Whereupon,

16 GREG WASINGER,

17 having been first duly sworn, was called as a witness

18 herein and was examined and testified as follows:

19 JUDGE CAILLE: Please state your name and

20 spell your last name for the court reporter.

21 THE WITNESS: Greg Wasinger, W A S I N G E R.

22

23 DIRECT EXAMINATION

24 BY MR. SOLIN:

25 Q. Again we'll dispense with some of the

0111

1 cross-examination questions. How do you know me?

2 A. I first met you when you were in real
3 estate 20 years. I've known you as a professional in
4 town, a theater owner, I being a business person. And
5 also I would like to consider you a friend as well as
6 your wife.

7 Q. Do we have any business relationships?

8 A. None.

9 Q. Where do you work?

10 A. I own two 7 Eleven franchises in Oak
11 Harbor.

12 Q. How many times a year do you travel to
13 SeaTac?

14 A. In the last couple years probably 12 times.
15 Prior to that as many as maybe 20, 25 times a year.

16 Q. Was that business or pleasure?

17 A. For the most part business. Maybe four or
18 five times a year for pleasure.

19 Q. Where do you travel from?

20 A. From Oak Harbor.

21 Q. And how do you get to SeaTac?

22 A. Primarily I drive.

23 Q. How long does it take if you drive?

24 A. On a good day without any traffic in the
25 corridors, I can make it to SeaTac in 2 hours to 2

0112

1 hours and 15 minutes.

2 Q. Is traveling by your car your first choice
3 when you go to SeaTac for most of your traveling?

4 A. It's my primary way of getting to the
5 airport. It is not my first choice. I would prefer to
6 take another form of service because I tend to be wore
7 out when I return to SeaTac, and it's very tough
8 driving that two hours or two hours-plus home.

9 Q. What does an airporter shuttle service or
10 an airport service mean to you?

11 A. It means -- in my thinking it's a
12 convenient and direct route from Oak Harbor to SeaTac
13 Airport.

14 Q. And what is your definition of direct?

15 A. Well, direct certainly doesn't mean that
16 there wouldn't be stops along the way. You can always
17 anticipate that there's going to be passengers picked
18 up on the way and also dropped off on the way back.

19 Q. Do you consider going to Anacortes or the
20 Anacortes San Juan ferry then to Mount Vernon direct?

21 A. It is not direct, and it takes quite a bit
22 more time than if it were direct.

23 Q. Are you familiar with the application under
24 SeaTac Shuttle, what they plan to offer?

25 A. Yes, I am.

0113

1 Q. And are you aware that the proposed
2 offering will offer service from Oak Harbor and direct
3 to SeaTac by going down the island?

4 A. Yes.

5 Q. Are you familiar with their proposed time
6 schedules?

7 A. Yes.

8 Q. Do you feel that you need a service like
9 that for your business or personal travel?

10 A. Yes.

11 Q. Would you use that service if it were
12 offered?

13 A. Yes.

14 Q. Do you believe you have enough information
15 to gauge the public's need for this service?

16 A. In my business, I can't address the
17 traveling public, but what I can address is the
18 children coming home and making arrangements with a
19 shuttle service. And without exception I pick those
20 people, my children or my friends, up in Mount Vernon.
21 I put them on the shuttle. I simply don't want to put
22 them through that additional time that it takes from
23 Mount Vernon to the Coachman Inn.

24 Q. So you have used the Airporter service?

25 A. I use it -- pretty much I would say half of

0114

1 the time when my children come home I put them on a
2 shuttle for convenience.

3 Q. Have you ever used it from Oak Harbor?

4 A. I have never sent anybody to SeaTac airport
5 from Oak Harbor. I personally used it one time, and it
6 did take about three and a half hours. And the reason
7 I used it was because I was not able to secure a ride
8 to Mount Vernon.

9 Q. So the -- all of the other times for your
10 friends and family you have driven to or from Mount
11 Vernon to pick them up or deliver them to their service
12 out of Mount Vernon to save time for your friends?

13 A. That's correct.

14 Q. So you really don't consider the Oak Harbor
15 departure convenient for your use or your friend's use?

16 A. No.

17 Q. Does there -- do you know how long the
18 proposed trip from Oak Harbor to SeaTac will take under
19 SeaTac Shuttle's application?

20 A. Yes, I believe it to be 2 hours and 15
21 minutes.

22 Q. And you already mentioned that the
23 Airporter service takes 3 hours and 30 minutes; is that
24 correct?

25 A. That's correct.

0115

1 Q. Would you consider the SeaTac Shuttle
2 service a direct and convenient service as opposed to
3 the current service of the Airporter?

4 A. Yes, I would.

5 Q. Does this conclude your testimony?

6 A. Yes, it -- I would like to add one thing.
7 There are times when I've tried to link up my airfare
8 or scheduled air departure at SeaTac with the Airporter
9 service, and there are times if you have an early
10 enough flight that you can't even get there with the
11 service that they offer. I just would like to state
12 that. If you have a 5:30 or 6:00 a.m. flight, I don't
13 believe you can get there the same day with the
14 Airporter Shuttle.

15 MR. SOLIN: Okay. That's all I have.
16 Thank you.

17 JUDGE CAILLE: Cross?

18 MR. RICE: Yes.

19

20 CROSS-EXAMINATION

21 BY MR. RICE:

22 Q. What is that document you're holding?

23 A. It's just questions and answers.

24 Q. Is that something that I can see?

25 A. Sure.

0116

1 Q. Thank you. Why is it that you've agreed to
2 testify?

3 A. I feel the community has a need -- since
4 Harbor Airlines went out of business, that we deserve
5 to have maybe a little bit better quality of service
6 and quicker way to get to SeaTac.

7 Q. So you're looking for speed, right? That's
8 important?

9 A. Yes, I believe that's important.

10 Q. Okay. Were you in the hearing room when I
11 was discussing the three different flights with the
12 previous witnesses about an 8:30 in the morning flight,
13 a 3:30 in the afternoon flight, and a midnight flight?
14 Did you hear me talk about those things?

15 A. Yes, I did.

16 Q. Did that witness testify that it would be
17 -- well, did you hear the times that were discussed
18 about the -- as to when the different airporters would
19 arrive at the airport, and how much lag time there
20 would be between the arrival of the bus at the airport
21 and the departure of flights?

22 A. Yes.

23 Q. Okay.

24 MR. LAUVER: Your Honor, may I ask a
25 question? I would essentially say we'll stipulate to

0117

1 what his questions are if they're the same questions as
2 the previous four witnesses regarding the unique
3 circumstances of when someone leaves on his schedule
4 versus our schedule. We can all make up questions for
5 exact times that work out to each other's benefit, but
6 to expedite the hearing process --

7 MR. RICE: If he's willing to stipulate
8 that Airporter Shuttle is faster for those three times
9 that I gave, then that's fine. But other than that I'm
10 going to ask each witness these questions.

11 MR. SOLIN: I'm not going to stipulate that
12 it's faster because it's not faster. If you want to --
13 that's fine. If you want to proceed with each witness
14 asking an additional 15 minutes of questions to
15 establish those three unique examples, then so be it.

16 MR. RICE: May I?

17 JUDGE CAILLE: Just a minute. Are your
18 questions going to be the same as you asked the
19 previous witness?

20 MR. RICE: I would like to talk to each
21 witness who has come forward and said that he believes
22 that SeaTac is faster, I would like to talk to those
23 witnesses about these particular examples and show that
24 in fact the service SeaTac offers is not faster when
25 you step back and you look at the totality of the trip

0118

1 because when people get to SeaTac, if they have a four
2 hour wait, a lot of people consider that to be a
3 problem. And the whole basis for their --

4 JUDGE CAILLE: Okay. That's enough.
5 You're arguing too.

6 MS. TENNYSON: Your Honor, might I suggest
7 a way they might reach a stipulation. I believe the
8 questions Mr. Rice is asking is to total elapsed time
9 from leaving your home to flight time. And if that's
10 acceptable, they might agree to stipulate to the
11 answers to those questions.

12 JUDGE CAILLE: So the total elapsed time?

13 MR. RICE: The total time between leaving
14 your house -- leaving Oak Harbor and arriving and
15 getting on your flight, that is faster on the examples
16 I've given.

17 MS. TENNYSON: Less total time.

18 JUDGE CAILLE: Are you willing to stipulate
19 to that?

20 MR. LAUVER: On the three specific examples
21 that he gave, I will stipulate that it takes less total
22 time from leaving one's house to SeaTac for those three
23 examples.

24 MR. RICE: Then may I ask also am I going
25 to be able to follow up with witnesses about the

0119

1 meaning of that? I mean because some witnesses may not
2 agree with that. That's my one concern. They might
3 say, well, I don't agree with those statements when I
4 start trying to ask follow-up questions.

5 JUDGE CAILLE: All right. I think it might
6 just be simpler for you to go ahead and ask the
7 questions.

8 Q. You've heard those three examples?

9 A. Yes, I have.

10 Q. Would you agree that in those three examples
11 the time between leaving Oak Harbor and getting onto
12 your flight is shorter using Airporter Shuttle rather
13 than SeaTac Shuttle?

14 A. Yes.

15 Q. How long before a flight do you like to get
16 to the airport?

17 A. Typically two hours, especially with the
18 news the last two days. I think that would be prudent.

19 Q. And so four hours would not be convenient
20 to you?

21 A. No.

22 Q. You've heard how many round trips -- did
23 you hear how many round trips that Airporter Shuttle
24 and SeaTac Shuttle were offering?

25 A. Yes.

0120

1 Q. Generally speaking do you prefer to have
2 more round trips available to you, or is that not a
3 factor?

4 A. In my personal -- when I plan a trip, I
5 plan around what is available. I plan around Airporter
6 if I'm going to take the shuttle. I plan my flights
7 around that so -- and if it doesn't work, then I use
8 another mode to get to and from the airport. So I
9 guess it doesn't matter how many times it departs.
10 It's whether it works both ways for me.

11 Q. Are you supporting this application with
12 the expectation that Airporter Shuttle will continue to
13 offer the same number of round trips and the same level
14 of service as it currently offers?

15 A. I just -- I can't answer that.

16 Q. Does it matter to you whether the service
17 is reduced?

18 A. I think that a community like Oak Harbor,
19 the more options they have, the better. But I can't,
20 you know -- I can't say that one is going to survive,
21 and the other is going to fold.

22 Q. But do you think that the traveling public,
23 yourself included, are better off if Airporter Shuttle
24 offers less service or stops serving Oak Harbor, better
25 off or worse off?

0121

1 A. Well, being a business person I think that
2 the buying public makes the decision ultimately, and
3 that's -- I mean, I can't --

4 Q. Okay. So you don't have any opinion as to
5 whether or not the public is better off or worse off if
6 Airporter Shuttle eliminated or changed their schedules?

7 A. I have no opinion.

8 MR. RICE: That's fine. That's all I have.

9 JUDGE CAILLE: Any redirect?

10 MR. SOLIN: Yes, please.

11

12 REDIRECT EXAMINATION

13 BY MR. SOLIN:

14 Q. How long does it take on our proposed
15 schedule on the van for SeaTac Shuttle from Oak Harbor
16 to SeaTac?

17 A. I believe it's 2 hours and 15 minutes.

18 Q. And how long does it take on the bus with
19 the bus change in Mount Vernon using Airporter to get
20 to SeaTac from Oak Harbor?

21 A. Three hours and 45 minutes.

22 Q. Do you think that you could schedule your
23 flights based on SeaTac Shuttle's proposed schedule to
24 result in as efficient of total time frame as possible?

25 A. Well, that's tough to answer because it

0122

1 depends on where you're going and what flights are
2 offered you. I would think you could work around it,
3 but I don't know that. Some cities you don't have as
4 many flight and airline options as others.

5 Q. So the unique examples Mr. Rice gave of
6 three specific departures that they offer may or may
7 not work at all for you in coordinating with your
8 flights at SeaTac because you don't know whether
9 there's flights that even fit their arrival times as
10 well?

11 A. That is correct. I stated earlier that,
12 you know, you usually -- you try to put the whole
13 package together. I'm an internet person, so I try to
14 put the package together. I look and see what is
15 available. Then I look to the Airporter Shuttle if I'm
16 going to use that. If it works, if the windows are
17 right, I would use them. If they're not right, I would
18 maybe try to work it around so I could use them.

19 I would probably do the same if I had the
20 option of your service. I would see if I could get it
21 to work. There's no guarantee that either service is
22 going -- on any specific trip would work I mean as
23 conveniently. You can make it work if you want to wait
24 four hours or three hours on one end.

25 MR. SOLIN: That's all I have. Thank you.

0123

1 JUDGE CAILLE: All right.

2 MR. RICE: I have nothing further.

3 JUDGE CAILLE: Thank you for testifying

4 You're excused.

5 You know, what, we need to take a break.

6 Is there something you need on the record?

7 MR. RICE: Is there some way that I can get

8 a copy of this?

9 MR. LAUVER: I'm not offering that as an
10 exhibit.

11 MR. WASINGER: I wasn't referring to it.

12 And some of it is not even factual in there. And it's

13 not signed by me. I just --

14 MR. LAUVER: The witness offered to let Mr.
15 Rice see it, and Mr. Rice should return the paperwork
16 now. He's had an opportunity to see it. The witness
17 has asked for the return of his property.

18 MR. RICE: I'm just reviewing it. It's
19 something he had on the stand.

20 Okay. You can have it back.

21 MR. WASINGER: Thank you.

22 MR. RICE: You're welcome.

23 JUDGE CAILLE: Okay. Let's go off the
24 record.

25 (Short recess.)

0124

1 JUDGE CAILLE: Back on the record.

2 We are back from a ten minute recess, and
3 will you please call your next witness?

4 MR. SOLIN: Next witness is Dave Johnson.

5 Whereupon,

6 DAVE JOHNSON,

7 having been first duly sworn, was called as a witness

8 herein and was examined and testified as follows:

9 JUDGE CAILLE: Please state your name and
10 spell your last name for the record.

11 THE WITNESS: Dave Johnson, J O H N S O N.

12

13 DIRECT EXAMINATION

14 BY MR. SOLIN:

15 Q. Again how do you know me, Dave?

16 A. We've had -- through business, and then
17 through that we've become friends.

18 Q. And do we have any current business
19 relationship at this point in time?

20 A. No, not at this time.

21 Q. And where do you work?

22 A. I work for Whidbey Island Bank. I'm senior
23 vice-president and manager.

24 Q. Have you served on any boards as a member
25 of the Chamber of Commerce in Oak Harbor?

0125

1 A. I've served about five years on the board
2 that -- of the Chamber of Commerce.

3 Q. How many times a year do you personally
4 travel to SeaTac?

5 A. Well, I probably fly six to eight times a
6 year and then take various members of family down.

7 Q. Business or pleasure?

8 A. Both.

9 Q. Where do you travel from?

10 A. From Oak Harbor.

11 Q. And how do you normally get there?

12 A. Usually drive a car.

13 Q. If you drive, how long does it take?

14 A. Depending on the traffic but 2 to 2 hours
15 and 15 minutes.

16 Q. And have you ever taken the Airporter
17 Shuttle?

18 A. I took it one time from Mount Vernon.

19 Q. Why did you take it from Mount Vernon if
20 their service is nine times a day from Oak Harbor?

21 A. Well, it was more convenient at that time
22 to drive over to Mount Vernon.

23 Q. If you had taken the shuttle from Oak
24 Harbor, how long would it have taken?

25 A. To get to Mount Vernon?

0126

1 Q. To get to SeaTac from Oak Harbor if you had
2 got on it in Oak Harbor.

3 A. It's three-plus hours.

4 Q. How long did it take you from Mount Vernon
5 to get to SeaTac?

6 A. I think it was about two hours once we --
7 from Mount Vernon into Seattle.

8 Q. And how long did it take you to drive to
9 Mount Vernon?

10 A. Probably 45 minutes.

11 Q. Do you know what -- would you define an
12 airporter service for me, please.

13 A. It's a van or bus that picks you up at a
14 certain location and takes you to in this case the
15 airport.

16 Q. Are you familiar with the service that
17 SeaTac Shuttle plans to offer under this application?

18 A. Yes.

19 Q. Are you familiar with the locations where
20 SeaTac Shuttle plans to serve?

21 A. I'm familiar with the communities, not the
22 exact locations but the communities in which it's going
23 to serve.

24 Q. What communities do you know they would be
25 departing from?

0127

1 A. My understanding is it would be Oak Harbor,
2 Coupeville, Greenbank, Freeland, and possibly Clinton.

3 Q. Are you familiar with the proposed
4 scheduled times?

5 A. Not the exact times, no.

6 Q. Do you know how many scheduled trips there
7 are proposed?

8 A. My understanding it's about four times a
9 day.

10 Q. Do you know approximately how long that
11 scheduled trip from Oak Harbor is to take according to
12 their schedule?

13 A. My understanding it's just a little over
14 two hours.

15 Q. Would you use SeaTac Shuttle service if
16 this application were granted?

17 A. I certainly would consider it, yes.

18 Q. Do you know of any other people who might
19 consider using it, friends or acquaintances or family?

20 A. Not specifically, but I think it would be a
21 service people would look at as an option.

22 Q. Based on these factors and as your current
23 position and also as your past service with the Chamber
24 of Commerce, do you believe that there is a public need
25 for this service?

0128

1 A. Yes.

2 Q. Have you heard of the Airporter Shuttle?

3 A. Yes.

4 Q. And what service do they provide?

5 A. They provide a shuttle service from Oak
6 Harbor down to SeaTac going through various communities
7 including Anacortes and Mount Vernon.

8 Q. Do you consider that service to be very
9 direct or convenient?

10 A. Somewhat of an indirect way of getting
11 there from Oak Harbor because you have to go through
12 Anacortes -- or they go through Anacortes to go around.

13 MR. SOLIN: Could you show the witness their
14 time schedule just to verify the trip time of the
15 Airporter, Exhibit 1 I believe.

16 JUDGE CAILLE: This is the Airporter
17 Shuttle?

18 MR. SOLIN: Yes.

19 JUDGE CAILLE: I'll need this exhibit back.

20 Q. If you look at the bottom left-hand corner
21 at the Oak Harbor Coachman Inn departure times, if you
22 take any of them, but let's just talk about the first
23 scheduled one without the asterisk, the one at 6:40
24 a.m.; do you see that?

25 A. Yes.

0129

1 Q. What time does it arrive at SeaTac, the one
2 that leaves at 6:40 a.m.? Go straight down the column
3 to the last time, arrival at SeaTac.

4 A. Well --

5 JUDGE CAILLE: I'm having trouble too.

6 Start again.

7 Q. The bottom left-hand corner of the table,
8 there is a departure that leaves Oak Harbor Coachman at
9 6:40 a.m.?

10 A. Got you. Okay.

11 Q. Do you see the 6:40 a.m. departure?

12 A. Yes.

13 Q. Going straight down that column, what is
14 the entry for the arrival time at SeaTac?

15 A. 10:10 a.m.

16 Q. The difference between those times is 3
17 hours and 30 minutes; is that correct?

18 A. That's correct.

19 Q. Do you believe that by granting SeaTac
20 Shuttle's application that you understand that the
21 Airporter people have indicated that they would
22 terminate or reduce service?

23 A. I have heard nothing to that -- I have no
24 knowledge of that.

25 Q. Is there anything that we have indicated

0130

1 that you have heard today that would lead you to
2 believe that SeaTac Shuttle is proposing an exclusive
3 service out of Oak Harbor and requesting that the
4 existing airporter service be closed or shut down?

5 A. No. It's my understanding that the
6 community then would have two options.

7 MR. SOLIN: This concludes my questions.

8 JUDGE CAILLE: Okay. Cross, Mr. Rice.

9

10 CROSS-EXAMINATION

11 BY MR. RICE:

12 Q. I believe you mentioned that you drive
13 occasionally from Oak Harbor to SeaTac?

14 A. Yes.

15 Q. Did I understand that correctly?

16 A. Yes.

17 Q. Okay. When you drive what route do you
18 take usually --

19 A. I usually drive around and go through the
20 -- go across Deception Pass and go around that way.

21 Q. So you go north rather than taking the
22 state ferry?

23 A. Yes. That's correct. And the reason for
24 that is because if you get to the ferry as a car you
25 don't have priority service.

0131

1 Q. Okay. Why are you -- why did you agree to
2 testify on behalf of this application?

3 A. Mr. Solin asked me and asked me my opinion,
4 if I thought there was a need for this type of service
5 in the community, and I -- from the information he gave
6 me, I felt there was, and so I agreed to testify.

7 Q. What is the need for? What --

8 A. I think for a convenient service.

9 Q. Is it convenience only? I mean -- well, is
10 speed --

11 A. That's one of the reason.

12 Q. -- a component of convenience to you?

13 A. Depends on your definition of speed, but if
14 you could work out your flights to take a two hour ride
15 to Seattle as opposed to a three and a half hour flight,
16 if you could work out your schedules to do that, I think
17 that would be convenient.

18 Q. Did you hear the examples -- well, before I
19 start that, when you travel, when do you typically
20 arrive or leave SeaTac?

21 A. They all vary.

22 Q. Okay. Uh-huh. So you might have an 8:30
23 flight in the morning --

24 A. 8:30?

25 Q. -- for instance?

0132

1 A. Yeah, that's a possibility if there was one
2 available.

3 Q. Maybe one at 3:40 or maybe one at midnight?
4 Would you have either of those flights?

5 A. I don't think so. I've never flown out at
6 midnight or 3:40 in the afternoon. Usually when I fly
7 out of Seattle it's usually a morning flight.

8 Q. What time?

9 A. Sometime between 8:00 and ten o'clock
10 probably.

11 Q. Okay. 8:00 or 10:00.

12 A. Mainly to miss-- because I drive around
13 mainly to miss the rush hour traffic.

14 Q. How long do you typically like to get to
15 the airport before your flight?

16 A. Probably -- now it's probably about two
17 hours.

18 Q. Two hours. Okay. And you mentioned your
19 flight typically leaves between 8:00 and 10:00. Let's
20 say you have a ten o'clock flight. Would you do me a
21 favor? Would you look at this time schedule? Do you
22 have a copy of the time schedule around? The other one
23 is what I'm interested in.

24 A. This one? (Indicating.)

25 Q. Yeah.

0133

1 A. Which bus would you take to reach your ten
2 o'clock flight two hours in advance of the flight
3 leaving?

4 JUDGE CAILLE: Excuse me. Just so the
5 record is clear, the witness is looking at SeaTac
6 Shuttle's schedule, which is marked as Protestant's
7 Cross Exhibit No. 2.

8 A. Well, if I had a ten o'clock flight, the
9 only one available that morning would be the 6:45 a.m.
10 And that would be --

11 Q. That would get you to the airport at 9:00?

12 A. It would get me in at 8:45. It would give
13 me a little over an hour to catch my flight.

14 Q. Maybe I'm reading something differently. I
15 show the arrival time for the 6:45 flight as nine
16 o'clock.

17 A. Okay. Right. You're correct.

18 Q. That wouldn't --

19 A. Give me an hour to catch my flight.

20 Q. That would give you an hour. And I think
21 you said you needed about two hours typically?

22 A. Right.

23 Q. So would you be trying -- in order to use
24 this service, would you be trying to change your travel
25 habits in some way and change things about traveling

0134

1 that you would like?

2 A. I may consider a different flight if there
3 was something else available.

4 Q. So you would want to change your flight
5 perhaps?

6 A. It's a possibility, yes.

7 Q. The most frequent flight time you use,
8 you would change it so that you would be able to use this
9 service offered by the applicant?

10 A. If this was a service available, right, if
11 I needed it, right.

12 Q. You've used Airporter Shuttle, correct?

13 A. Yes, out of Mount Vernon.

14 Q. Did you find that it was safe?

15 A. Yes.

16 Q. Did you find that the van arrived at the
17 appointed time?

18 A. Yes, it did.

19 Q. Okay. Did you find that their service was
20 satisfactory to you?

21 A. Yes, it was fine.

22 Q. Assume hypothetically that SeaTac
23 Airporter's application were granted, and as a result
24 Airporter Shuttle decided that it could no longer
25 afford to provide service to Oak Harbor and began to

0135

1 eliminate -- say maybe cut in half or eliminate all
2 together service. Is that something that would in your
3 opinion be in your interest as a member of the
4 traveling public?

5 A. I suppose it depends on what SeaTac, that
6 group decided to do. If they limited it to strictly
7 the -- those set times that they have now, there would
8 be less options. But I suspect that if the Airporter
9 Shuttle decided not to come to Oak Harbor, that the
10 other one probably would increase their -- dependent on
11 what the public perceived as a --

12 Q. Are you aware that they don't propose to do
13 that in their application?

14 A. I have no idea, and I don't know that
15 Airporter Shuttle is proposing to close.

16 MR. LAUVER: Objection. He's posing
17 hypothetical questions, and we could as easily
18 hypothetically say we propose to extend our service.
19 Which is it? Are you asking hypothetical questions
20 about facts or --

21 JUDGE CAILLE: Gentleman one of the things
22 you must do is address your comments to me and one at a
23 time. So are you finished with your comments?

24 MR. LAUVER: I believe so.

25 JUDGE CAILLE: Mr. Rice?

0136

1 MR. RICE: I am presenting these comments
2 as hypothetical. I'm not disguising anything as a fact
3 that is not a fact.

4 MR. LAUVER: Mr. Rice -

5 MR. RICE: I think I'm entitled to present
6 things as hypotheticals which will be addressed later
7 when my witnesses take the stand. And that's --
8 otherwise it's unfair to have my witnesses go last. I
9 should have had them go first, so they could have laid
10 all this out.

11 JUDGE CAILLE: I'm not sure I agree with
12 that.

13 But could you read back the last question
14 from Mr. Rice?

15 MR. LAUVER: Your Honor, in the interest of
16 brevity, I'm just going to withdraw it.

17 JUDGE CAILLE: Okay. Then you're
18 withdrawing your objection?

19 MR. LAUVER: I'm withdrawing it.

20 JUDGE CAILLE: And the witness did respond?

21 MR. RICE: I believe that he did respond
22 that he was not aware.

23 JUDGE CAILLE: Okay.

24 MR. RICE: That's all the questions I have.

25 JUDGE CAILLE: All right. Any cross by Ms.

0137

1 Tennyson?

2 MS. TENNYSON: No.

3 JUDGE CAILLE: All right. Redirect?

4 MR. SOLIN: Yes, two questions.

5

6 REDIRECT EXAMINATION

7 BY MR. SOLIN:

8 Q. When you plan your airline travel, do you
9 normally just get a flight, and then using Mr. Rice's
10 hypothetical example look at the shuttle schedule, or
11 do you normally plan your entire itinerary by looking
12 at the shuttle schedule first and seeing what times you
13 could arrive at the airport and coordinating your
14 flights with that?

15 A. I generally try to look at the whole
16 situation and see what would be convenient as far as
17 arriving at the airport and then returning. Mainly
18 because I drive, I try to avoid rush hour traffic, you
19 know, with my flight in the morning.

20 Q. And hypothetically if our service was
21 granted serving Oak Harbor and the rest of Whidbey
22 Island, and Airporter cut in half or eliminated
23 service, and SeaTac Shuttle picked up that service,
24 would that provide the shuttle times that would
25 possibly meet your travel needs?

0138

1 A. I would think it would.

2 MR. SOLIN: That's all I have.

3 JUDGE CAILLE: All right. Thank you for
4 testifying, and you're excused.

5 Next witness. Call your next witness.

6 MR. LAUVER: Priscilla Heistad.

7 Whereupon,

8 PRISCILLA HEISTAD,

9 having been first duly sworn, was called as a witness
10 herein and was examined and testified as follows:

11 MR. LAUVER: I'll make this as quick as
12 possible.

13 JUDGE CAILLE: If you'll state your name
14 for the record and spell your last name?

15 THE WITNESS: Priscilla Heistad, H E I S T
16 A D.

17

18 DIRECT EXAMINATION

19 BY MR. LAUVER:

20 Q. How are you acquainted with myself or Mr.
21 Solin?

22 A. I actually didn't know Mr. Solin. I was
23 acquainted with Mr. Lauver through your business --
24 your previous business down in Coupeville.

25 Q. And do we have any business relationship at

0139

1 this point in time?

2 A. No.

3 Q. Where are you employed?

4 A. I'm employed at the Greater Oak Harbor
5 Chamber of Commerce.

6 Q. What is your position with the Chamber?

7 A. I'm the executive director.

8 Q. And as the executive director of -- are you
9 on any other boards or serve in any other capacities
10 related to tourism?

11 A. I'm on the joint board -- the county's
12 joint board on tourism, and I'm the liaison between the
13 committee and -- or the board and the marketing firm
14 that we've hired.

15 Q. And as the executive director of the Oak
16 Harbor Chamber and liaison for the Island County Joint
17 Board of Tourism do you feel that you are aware of the
18 needs of the business of the tourism community on
19 Whidbey Island with respect to traveling?

20 A. I do, yeah.

21 Q. And do you see a need for a direct,
22 expedited, convenient shuttle van service between Oak
23 Harbor and SeaTac airport?

24 A. I do, yes.

25 Q. And would such a service be an enhancement

0140

1 to the tourism and business on Whidbey Island?

2 A. It would.

3 Q. Are there any current commercial options
4 for getting to SeaTac from Oak Harbor?

5 A. Well, we have two. Right now we have the
6 Airporter, and we also have Kenmore Air, which it takes
7 you actually to Lake Union, but they shuttle you from
8 Lake Union to SeaTac.

9 Q. So there is currently an air service, and
10 that's Kenmore Air?

11 A. That's correct.

12 Q. And they fly out of the local airport?

13 A. They fly out of the marina here in Oak
14 Harbor.

15 Q. And they fly sea planes?

16 A. Yes, they do.

17 Q. Since they fly sea plans they're somewhat
18 limited in the times of day and the weather they can
19 fly in?

20 A. That's correct, they can only fly during
21 daylight hours and in good weather.

22 Q. I believe you stated they don't go to
23 SeaTac; they go to Lake Union?

24 A. That's correct.

25 Q. And at Lake Union how do passengers get to

0141

1 SeaTac?

2 A. They have a free shuttle that they take
3 from Lake Union to SeaTac.

4 Q. Okay. Is there any other way to get to
5 SeaTac from Oak Harbor?

6 A. Commercially not that I know of.

7 Q. You're aware of the Airporter?

8 A. I think I said the Airporter, yes.

9 Q. Okay.

10 A. I'm aware of that.

11 Q. We talked about the Airporter there. What
12 does the term airporter mean to you?

13 A. It's a transportation route that is
14 specific to get you to the airport is my understanding.

15 Q. That's ground transportation?

16 A. Yes.

17 Q. Are you familiar with SeaTac Shuttle's
18 plans for an airporter?

19 A. I am aware.

20 Q. And are you familiar with the communities
21 that we intend to serve?

22 A. I believe so.

23 Q. And could you describe those a little bit.

24 A. I believe you said that they'll be
25 traveling right on Highway 20 hitting Coupeville,

0142

1 Greenbank, Freeland.

2 Q. So going down the island to the ferry; is
3 that your understanding?

4 A. That's my understand.

5 Q. As opposed to driving through Deception
6 Pass?

7 A. Correct.

8 Q. And you're familiar somewhat with our
9 schedule?

10 A. Yes.

11 Q. Do you see a need for a service such as
12 this for the tourist and business community here on the
13 island?

14 A. I do. I do. I think mostly from a
15 business perspective for the most part.

16 Q. Do you believe that you have enough
17 information to gauge the public need for SeaTac
18 Shuttle's proposed service?

19 A. I believe I do.

20 MR. LAUVER: That's all I have for the
21 moment. Thank you.

22 JUDGE CAILLE: Okay. Cross?

23 MR. RICE: Yes. Thank you.

24

25

0143

1 CROSS-EXAMINATION

2 BY MR. RICE:

3 Q. Why did you agree to testify for the
4 applicant today?

5 A. He talked about the service, and it sounded
6 like something that would be great for the community.

7 Q. Okay. Uh-huh. So you're testifying about
8 the needs of the community generally rather than your
9 own needs for travel?

10 A. That's correct.

11 Q. And what do you see those -- the -- what do
12 you think the need is? What do you think these people
13 you're talking about desire?

14 A. I think the need is to get to the airport.
15 I mean we -- we live in a rural type of community, and
16 it's not easy to get to the airport. And getting to
17 the airport is not something that people enjoy doing I
18 think. So just getting there, getting checked in,
19 waiting for their flight. And I think people aren't
20 comfortable with their trip until they get on the
21 plane. So I think it's just getting there as quickly
22 as possible with the least amount of trouble.

23 Q. Okay. Uh-huh. So people want something
24 that is quick, right?

25 A. I believe so.

0144

1 Q. Okay. Did you hear my examples of
2 different flights that I gave?

3 A. Uh-huh.

4 Q. I gave a number of them. I gave a flight
5 leaving at 10:00, one leaving at 3:40, one leaving at
6 8:50, and one leaving at twelve midnight. And were you
7 in the room when I was discussing those?

8 A. I was.

9 Q. Okay. Do you remember how long it took for
10 the two different shuttle services to take passengers
11 from Oak Harbor and then on to SeaTac and then what
12 time their flight would be after that? Do you remember
13 that discussion?

14 A. I do remember, yes.

15 Q. Do you recall whether or not it would be
16 faster for someone -- based on the time between the
17 departure from Oak Harbor and the flight departure
18 time, would you agree that it's faster to take
19 Airporter Shuttle rather than SeaTac Shuttle?

20 A. I would agree that it would be more
21 convenient. You would arrive there better aligned with
22 your flight that you're planning to take.

23 Q. Okay.

24 A. The word faster is troublesome for me.

25 Q. Why is that?

0145

1 A. Well, I mean, I'm thinking -- I don't know.
2 Fast to me is like a speed you go on the highway. It's
3 not a time elapse. That doesn't --

4 Q. So when you think of the word fast or slow,
5 you don't incorporate you would have, say, a four hour
6 layover waiting at the airport versus a two hour?

7 A. I just wouldn't use that word at all. What
8 I'm saying is it would be more convenient for the times
9 that you specified for me to take the Airporter Shuttle
10 because I would arrive there at a time more closely
11 aligned to my flight. So maybe if you call that
12 faster, than yeah. It's just not a word I would use.

13 Q. That's fine. And is it important for you
14 to align your arrival time at the airport with the time
15 of your flight?

16 A. Yes, it is important.

17 Q. Did you overhear the testimony about the
18 number of round trips that Airporter Shuttle offers and
19 SeaTac Shuttle offers?

20 A. Yes.

21 Q. Okay. Would it be easier to coordinate
22 your flights with a service that offers more round
23 trips or fewer round trips? Which would be easier?

24 A. Well, I think it would be easier if it was
25 a -- if there were more frequency of times. I think

0146

1 that obviously that would be easier.

2 Q. Are you supporting this application with
3 the expectation that Airporter Shuttle will continue to
4 offer service as it does now without reducing or
5 eliminating service?

6 A. That really hadn't specifically occurred to
7 me. So from my perspective I would hope that we would
8 have, you know, a high level of service from Airporter
9 in addition to. I realize that adjustments might have
10 to be made, but I think that the more choices that a
11 consumer has, the better service typically, the better
12 price that they get. I'm a capitalist. The market
13 will drive.

14 Q. Sure. So you think that -- okay. That's
15 fine. Have you used Airporter Shuttle before?

16 A. I have not.

17 Q. You have not. Do you believe their service
18 is unsatisfactory in any way? I mean is that why
19 you're not using it?

20 A. The reason why I don't use it is I travel
21 typically on pleasure trips, and I have two small
22 children that are hard enough to be in my own car with,
23 so I wouldn't subject other passengers to being in the
24 car with my two children.

25 Q. So is it true that neither service would

0147

1 work for you, neither the Airporter or SeaTac?

2 A. That's likely if I was traveling with my
3 children.

4 MR. RICE: That's all I have.

5 JUDGE CAILLE: Any cross from --

6 MS. TENNYSON: No.

7 JUDGE CAILLE: Any redirect?

8 MR. LAUVER: Just a couple quick ones.

9

10 REDIRECT EXAMINATION

11 BY MR. LAUVER:

12 Q. If you weren't traveling with your
13 children, would you feel that you would very possibly
14 use the services of SeaTac Shuttle?

15 A. That's just -- that's hard for me to say.
16 I like the control of having my own car, and I don't
17 get off the island often, so I use those trips as an
18 opportunity to do other things. So it's a hard
19 question for me to --

20 Q. Your testimony then really is more directly
21 applicable to your experience as an executive director
22 of the Chamber of Commerce and liaison to the tourism
23 board and your knowledge gained of the traveling public
24 from those two positions rather than your own personal
25 travel which has some specific constraints?

0148

1 A. That's correct.

2 Q. So you still feel that for the traveling
3 public as a whole that SeaTac Shuttle service is more
4 convenient and direct and would be in the public's best
5 interest if it was implemented?

6 A. I do. I believe that it would be a good
7 service.

8 MR. LAUVER: Thank you. I am through.
9 Thank you.

10 JUDGE CAILLE: Okay. Thank you very much
11 for testifying, and you're excused.

12 I need to take two minutes.

13 (Discussion off the record.)

14 JUDGE CAILLE: Back on the record.

15 One more witness before we break for lunch?

16 MR. LAUVER: We have two.

17 MR. SOLIN: We have two, but I think we
18 could be done in ten minutes. I would like to call
19 Dave Everett at this time.

20 Whereupon,

21 DAVE EVERETT,

22 having been first duly sworn, was called as a witness

23 herein and was examined and testified as follows:

24 JUDGE CAILLE: If you'll please state your
25 name for the record and spell your last name.

0149

1 THE WITNESS: It's Dave Everett, E V E R E T T.

2 JUDGE CAILLE: You may proceed.

3

4 DIRECT EXAMINATION

5 BY MR. SOLIN:

6 Q. Dave, how do you know me?

7 A. Association at church for the last dozen
8 years and then also as a tenant at the Oak Harbor Air
9 Park.

10 Q. Do we have any current business relationship?

11 A. No, we don't.

12 Q. Why are you testifying for us?

13 A. Why am I testifying? You asked me to come
14 and provide some historical data from my association
15 with Harbor Airlines.

16 Q. Where do you currently work now?

17 A. I'm a pilot for Southwest Airlines.

18 Q. And prior to that?

19 A. I spent five and a half years with Oak
20 Harbor Airlines.

21 Q. And the jobs that you did there?

22 A. I was a captain for -- when I first started
23 I got into flight management, and I wound up being the
24 general manager and director of operations.

25 Q. When did Harbor Airlines cease operations?

0150

1 A. May of 2001 I believe, two years ago.

2 Q. Prior to closing on average about how many
3 people per year were you carrying out of Oak Harbor?

4 A. Out of Oak Harbor in the neighborhood of 25
5 to 30,000 passengers per year.

6 Q. And if I've done my math correctly that
7 averages about 68 people per day, but is it fair to say
8 that some days were less and some days were more, but
9 you probably carried between 50 and 100 people on a
10 given day on average?

11 A. That would be a good estimate. And again
12 varies by season. The winter would be towards the low
13 side, and the summer was maybe even higher than 100 a
14 day.

15 Q. Is there any other airline service
16 currently operating out of Oak Harbor Air Park at this
17 time?

18 A. Not to my knowledge.

19 Q. Do you have any idea where those 50 to 100
20 people are -- how those 50 to 100 people who were
21 traveling on Harbor are getting to the airport?

22 A. Well, they're taking ground transportation
23 obviously, either private vehicle or commercial
24 shuttle. I'm not aware of how well Kenmore Air is
25 doing. I don't think it's doing very well.

0151

1 MR. SOLIN: That's all I have.

2 JUDGE CAILLE: All right.

3 Mr. Rice?

4 MR. RICE: Yes.

5

6 CROSS-EXAMINATION

7 BY MR. RICE:

8 Q. Are you here testifying about the needs of
9 the public generally for service or about your own
10 needs for an airporter?

11 A. I think the public in general, not my own
12 needs. I'm a unique case.

13 Q. And where do you live?

14 A. I live here in Oak Harbor.

15 Q. You live in Oak Harbor. And why do you
16 think that SeaTac would offer -- do you think that
17 SeaTac would offer a service that you want -- or, I'm
18 sorry, you mentioned that you were talking about the
19 public generally -- that they would want?

20 MR. LAUVER: If I might -- I'm sorry again.
21 But Mr. Everett has testified that he's here to provide
22 historical information, and he's not testified to
23 anything about his personal needs or public needs.
24 He's merely provided some facts and figures for us.

25 MR. RICE: Is he -- I thought he was being

0152

1 presented as a public witness to testify about the
2 public.

3 MR. LAUVER: We have not asked any questions
4 regarding the public's need other than how many folks
5 historically flew on Harbor Airlines and has anybody
6 else filled in that void at the airport. That's all
7 we're asking of Mr. Everett.

8 JUDGE CAILLE: Okay.

9 MR. RICE: May I continue, or do you want
10 me to wait?

11 JUDGE CAILLE: I do think that Mr. Everett
12 has characterized his direct examination correctly so
13 I --

14 MR. RICE: That's fine.

15 Q. You were testifying about the number of
16 people who left -- who traveled on Harbor Air?

17 A. Uh-huh.

18 Q. And where did those people originate their
19 travel from?

20 A. We had people drive from Anacortes. We've
21 had people drive from Coupeville, Greenbank, maybe a
22 few from as far south at Langley. But the majority was
23 Oak Harbor and the naval base military or DOD-related
24 travel.

25 Q. Okay. And you think that these people are --

0153

1 MR. RICE: Well, if I could take a moment.

2 JUDGE CAILLE: Yes.

3 Q. You don't know whether these people are
4 interested in taking a share ride service like an
5 Airporter Shuttle or a SeaTac Shuttle?

6 A. No, I have no knowledge of their needs.

7 MR. RICE: That's all I have.

8 JUDGE CAILLE: Okay. Anything?

9 MS. TENNYSON: Yes.

10 JUDGE CAILLE: Go ahead.

11

12 CROSS-EXAMINATION

13 BY MS. TENNYSON:

14 Q. Did Oak Harbor Air originate only out of
15 Oak Harbor or any other location on the island?

16 A. On this island? Not on this island. We
17 served Friday Harbor -- Friday Harbor, East Sound.

18 Q. You didn't travel out of Anacortes?

19 A. No. We did charter work, but that was it.

20 MS. TENNYSON: Thank you.

21 JUDGE CAILLE: Any redirect?

22 MR. SOLIN: We have no redirect.

23 JUDGE CAILLE: Thank you very much. You're
24 excused.

25 Okay. Last witness.

0154

1 MR. SOLIN: We would call our final witness
2 as Garry Brown. I shouldn't say final witness. Final
3 witness other than ourselves.

4 Whereupon,

5 GARRY BROWN,
6 having been first duly sworn, was called as a witness
7 herein and was examined and testified as follows:

8 JUDGE CAILLE: And if you'll please state
9 your name and spell your last name for the record.

10 THE WITNESS: My name is Garry Brown.
11 Actually I'll spell both of them, G A R R Y, B R O W N.

12

13 DIRECT EXAMINATION

14 BY MR. SOLIN:

15 Q. Garry, how do you know me?

16 A. We have mutual friends.

17 Q. Do we have any current business relationship?

18 A. No.

19 Q. And are you testifying primarily as an
20 individual --

21 A. Yes.

22 Q. -- for us?

23 A. Yes.

24 Q. Where do you work?

25 A. I own an insurance agency in Oak Harbor.

0155

1 Q. And how many times a year do you travel to
2 and from SeaTac?

3 A. Approximately three.

4 Q. Business or pleasure?

5 A. Usually pleasure. Once in a while for
6 business.

7 Q. And you travel from where, what city?

8 A. Oak Harbor.

9 Q. How do you normally get to SeaTac?

10 A. There is no normal now that Harbor Air has
11 closed. Once I got used to flying, which only has a
12 half hour time and gets me right on top of the airport,
13 I flew every time. Now I'm forced to drive in some
14 fashion.

15 Q. Approximately how long does it take you to
16 drive your car?

17 A. Just under two hours in the middle of the
18 night and about two and a half in daytime traffic.

19 Q. If you had a shuttle service such as SeaTac
20 Shuttle, and you were able to coordinate your flights
21 with the shuttle service, would it be convenient so
22 that you could avoid driving, parking, and any other
23 issues at SeaTac?

24 A. Yes, it would. It's extremely important
25 the shuttle get me there at approximately the same time

0156

1 it would take me to drive.

2 Q. So would you plan your flights such that
3 you would look at the schedule first ideally and the
4 flights secondly, so that you could coordinate the
5 quickest possible trip?

6 A. The coordination of the time is critical.
7 I would try to coordinate it starting from what is
8 available to get me in and finally on what flights
9 there are.

10 Q. Do you understand that the proposal that
11 SeaTac Shuttle is making for service does not exclude
12 Wickkiser International from operating their service as
13 well from Oak Harbor?

14 A. Yes.

15 Q. Are you familiar with the locations that
16 SeaTac Shuttle would depart from and pick up passengers
17 at on the way to SeaTac?

18 A. Yes.

19 Q. You've heard testimony to the proposed
20 number of scheduled departures per day under both
21 SeaTac Shuttle and Wickkiser?

22 A. Yes.

23 Q. Okay. Do you feel that you could
24 coordinate a flight schedule with the current proposed
25 four departures a day with SeaTac Shuttle?

0157

1 A. That's hard to say. Could is the critical
2 word. It's always possible to get something
3 coordinated. It's also possible not to.

4 Q. Have you ever used the Airporter Shuttle by
5 Wickkiser in the past?

6 A. I have used it for family members.

7 Q. And have you ever used it for family
8 members from Oak Harbor?

9 A. Yes.

10 Q. And have you ever used it for family
11 members from Mount Vernon?

12 A. Also yes.

13 Q. What was the reason you went to Mount
14 Vernon?

15 A. The schedule for the Airporter is fairly
16 lengthy. It is fairly longer than I can stand. And I
17 have taken my brother to Mount Vernon to cut that time
18 shorter and dropped him off to take the shuttle from
19 Mount Vernon on down. There was an occasion where we
20 took him straight to Oak Harbor to the Coachman because
21 he was willing to leave from there.

22 Q. So the reason you primarily drove to Mount
23 Vernon was to save time for your brother at the expense
24 of the extra drive for yourself?

25 A. Yes.

0158

1 Q. So primarily the convenience factor is an
2 issue here relating to the current operator out of Oak
3 Harbor because it takes three and a half hours to get
4 to SeaTac?

5 A. Absolutely.

6 Q. So for convenience you would do some
7 driving if necessary to take their service?

8 A. That is correct.

9 Q. Do you know how long the proposed service
10 by SeaTac Shuttle would take?

11 A. I understand it's in the two to two and a
12 half hour range.

13 Q. Would you agree that according to the
14 proposed schedule that has been submitted as Exhibit 2
15 by SeaTac Shuttle -- if he could quickly look at that,
16 it would verify that it is 2 hours and 15 minutes from
17 Oak Harbor to SeaTac, Exhibit 2.

18 If you look at the column Oak Harbor
19 starting with the nine o'clock, it arrives at SeaTac --
20 I'm sorry, the 6:45 departure arrives down the column
21 at SeaTac at 9:00 a.m.; is that correct, going down the
22 column Oak Harbor to SeaTac?

23 A. Oh, I see. Yes. That's correct.

24 Q. Is that not 2 hours and 15 minutes?

25 A. Yes, it is.

0159

1 Q. Is that similar to the time frame that it
2 would take if you drove your car around, had no delays
3 on the freeway, or if you took your car on the ferry
4 with priority boarding and had no delay whatsoever for
5 the ferry, that you could drive to SeaTac approximately
6 the same, 2 hours and 15 minutes?

7 A. It would be a very similar time.

8 MR. SOLIN: That's all I have.

9 JUDGE CAILLE: Okay. Cross-examination?

10 MR. RICE: Yes.

11

12 CROSS-EXAMINATION

13 BY MR. RICE:

14 Q. You just mentioned that you could -- if I
15 understand correctly, that it would take about the same
16 time to drive from Oak Harbor to SeaTac as it would to
17 use SeaTac shuttle's service; is that right? Did I
18 understand correctly?

19 A. Yes.

20 Q. Okay. When you drive is it true that you
21 can leave pretty much any time you want? There's no
22 schedule when you're driving, right?

23 A. I have no schedule, but I do have a schedule
24 at the other end to meet.

25 Q. What is that?

0160

1 A. The departure time of the airplane.

2 Q. So do you coordinate your departure with
3 the departure -- the departure from Oak Harbor with your
4 departure time of your flight?

5 A. Yes.

6 Q. Is there a point of time in which the
7 departure time or the gap at the airport and the
8 departure time of your flight that somehow maybe that
9 amount of time wouldn't be acceptable to your? I
10 guess how long do you like to get to the airport before
11 your flight? I guess that's a better way of asking it.

12 A. That's assuming everything working well, I
13 would like to get to the airport about 20 minutes
14 before the plane leaves. And that used to be my
15 timing. It no longer works. I would say I'm still
16 looking at about an hour and a half and maybe slightly
17 less but basically an hour and a half ahead of the
18 flight.

19 Q. So you like to minimize the amount of wait
20 time you have at the airport?

21 A. Well, I like to maximize the time I'm still
22 sitting in my office. I'm usually working until the
23 last second until I leave.

24 Q. Okay. Were you in the hearing room when I
25 presented those --

0161

1 A. Yes, I was.

2 Q. -- examples?

3 Okay. Did you -- would you agree that
4 based on those examples there is less time between the
5 departure from Oak Harbor and the flight time examples
6 that I gave, that there's less time traveling on
7 Airporter Shuttle rather than SeaTac?

8 A. Well, first of all I'm glad you stopped
9 using the word faster, but I would characterize the
10 question as irrelevant if I may do so. As specifically
11 asked, the departure time you leave your house or car
12 or office to the time you arrive given what you said is
13 shorter, but the reality is it's an exercise in
14 futility because I would not take either of them. If I
15 had to wait in the airport four and a half hours, I
16 wouldn't use the shuttle that time. I would not take
17 an airporter at any time that takes me three and a half
18 hours to get there. I would find someone to give me a
19 ride and buy them dinner when I got back.

20 I personally have observed that my parents
21 now wish to not drive off the island. They will take a
22 bus to Madigan or anyplace they want to go, and it's to
23 the point now where they do it every time. They're not
24 the only ones I'm becoming aware of. I, myself, am
25 getting tired of the drive through the urban area of

0162

1 Seattle. I would much prefer to fly.

2 If I have to have it be a drive, I would
3 prefer someone else to do the driving, but I won't
4 spend three and a half hours in that ride. So this
5 particular proposal strikes me as interesting because
6 it's similar to a regular drive time, and it's -- you
7 know, it's intellectually desirable because it has a
8 direct non-windy, non-stop every ten minutes feel to
9 it.

10 But if I have to sit in the airport for
11 four and a half hours, I'm going to find a different
12 route that time and -- but I would try to eliminate my
13 driving and paying for my car to sit there for six days
14 and wondering who is going to break into it this time
15 by getting a ride, but then the flight times would have
16 to work so that I get there no more than two hours
17 before the flight.

18 Q. Where do you typically fly?

19 A. I fly to San Diego and Hawaii most often.

20 Q. Okay. Do you think it would be easy to
21 coordinate your flight say to San Diego with the
22 Airporter Shuttle -- I'm sorry, the SeaTac Shuttle --

23 A. I would believe --

24 Q. -- departures?

25 A. I believe the flights to San Diego and

0163

1 other spots in California are quite easy because Alaska
2 flies about 47 times a day down there. The flight to
3 Hawaii is far more difficult to figure out.

4 Q. So for your flights to Hawaii, it would be
5 more difficult to coordinate flights; did I understand
6 that correctly?

7 A. Yes.

8 Q. Okay. Do you think that being forced to
9 coordinate your flights with a departure time of
10 the Airporter Shuttle is -- I mean is that something
11 that is inconvenient to you, convenient to you, or you
12 don't care one way or the other?

13 A. I'm lost on the question. Could you say
14 that again?

15 Q. Do you mind having to coordinate your
16 flights with the Airporter Shuttle schedule -- I mean
17 with the SeaTac Shuttle schedule?

18 A. It's all a logistical issue. It sometimes
19 becomes a nightmare. More of the problem is trying to
20 get flight times to coordinate with when I'm able to
21 leave work. And as often as not I don't go because I
22 can't accomplish that.

23 Q. So there are only a certain number of
24 flights that will work for you based on your work
25 schedule?

0164

1 A. Yes.

2 Q. And you believe that those particular
3 flights, there is a chance that you could coordinate
4 them with the service that they're proposing?

5 A. Yes.

6 Q. Are you aware that SeaTac offers -- or
7 proposes four round trips per day, and that Airporter
8 Shuttle currently offers nine round trips a day with
9 one additional one-way service?

10 A. Yes, I am.

11 Q. Okay. Does it -- would you prefer to --
12 that an airporter offer more frequent round trips, or
13 does that not matter to you?

14 A. My general sense is that the number they
15 have is adequate.

16 Q. Okay. Would --

17 A. I haven't --

18 THE COURT REPORTER: You're both speaking
19 at the same time.

20 A. I haven't memorized the schedule to that
21 detail.

22 Q. If the Airporter Shuttle, which is the one
23 currently serving Oak Harbor, decided to reduce or
24 eliminate its service all together to Oak Harbor, is
25 that something that would matter to you at all?

0165

1 A. That's an interesting question. I'm not
2 sure what my reaction to that is. I normally look at
3 the schedule that is available and don't try to dictate
4 to the provider what they've chosen.

5 I'm assuming that -- I'm a little surprised
6 that anybody is providing -- shuttle service to Oak
7 Harbor because it doesn't strike me that it's
8 profitable, but I don't really have any sense how many
9 people are lining up every day to take it. Maybe it's
10 very profitable.

11 If it is, then I'm assuming that that
12 business provides service in a way that economically
13 works for them. When I see a schedule, then I would
14 look at that and work from there. I can't really work
15 backwards from what would happen if that schedule --
16 any reason why that schedule would change dramatically.
17 If it does change, I would get the new schedule and
18 look at it. I'm sort of taking that as the ground, as
19 the base position to work off of.

20 Q. I hope I didn't already ask you these
21 questions. Have you taken Airporter Shuttle before?

22 A. I have used it but not myself personally,
23 my family members.

24 Q. Did they find that it was on time?

25 A. It is a professionally-run service.

0166

1 Q. Okay.

2 A. I have talked to my brother, and the
3 vehicles are reasonably new and safe, and he wasn't
4 behind schedule. He caught his plane as he expected.

5 Q. Did the people you know who used the
6 service find it satisfactory?

7 A. Satisfactory is too vague a question, but,
8 you know, it's not a broken-down service. It's a
9 professionally well-maintained service. Satisfaction
10 is in the eye of the beholder.

11 Q. I know you testified about their travel
12 needs, and so that I just -- since you know about their
13 needs, do you also know about their perception of
14 whether or not it was satisfactory to them? Have they
15 told you something that would lead you to believe that
16 it was not satisfactory?

17 A. No.

18 Q. Okay.

19 A. I think the -- essentially in my parents'
20 case, the primary -- they need on-time schedules. And
21 their primary satisfaction was they weren't scared to
22 death getting down there, and they got where they
23 wanted to go and got back.

24 MR. RICE: That's all I have.

25 JUDGE CAILLE: Okay. Ms. Tennyson?

0167

1 MS. TENNYSON: No, I have none.

2 JUDGE CAILLE: Any redirect?

3 MR. SOLIN: Just one.

4

5 REDIRECT EXAMINATION

6 BY MR. SOLIN:

7 Q. Whether or not the Airporter Shuttle
8 frequency has nine departures, and we have four
9 departures, and whether or not they're safe and
10 professional, and we would assume that we will be safe
11 and professional as well, is not your primary concern
12 that as long as you can coordinate a trip to SeaTac
13 using either one, that you would take one that takes 2
14 hours and 15 minutes versus 3 and a half hours given
15 the ability to coordinate it with a flight schedule?

16 A. Absolutely. It would be no discussion
17 whatsoever. I would take the one that gets me there in
18 a shorter time.

19 MR. SOLIN: That's all I have.

20 JUDGE CAILLE: Thank you for testifying.

21 You're excused. Do I see one more?

22 MR. LAUVER: No.

23 JUDGE CAILLE: Okay. Off the record.

24 (Discussion off the record.)

25 (Luncheon recess at 1:10 p.m.)

0168

1

AFTERNOON SESSION

2

(2:03 p.m.)

3

4

JUDGE CAILLE: Let's go back on the record.

5

We are reconvened from our lunch recess. And I believe

6

at this time the applicant will be putting on --

7

they'll be testifying -- the applicants will be

8

testifying.

9

MR. SOLIN: That's correct.

10

MR. LAUVER: That's correct.

11

JUDGE CAILLE: Who will be going first?

12

MR. LAUVER: We'll start with John Solin.

13

Whereupon,

14

JOHN SOLIN

15

having been first duly sworn, was called as a witness

16

herein and was examined and testified as follows:

17

JUDGE CAILLE: If you'll state your name

18

and spell your last name for the record.

19

THE WITNESS: My name is John Solin, S O L

20

I N.

21

JUDGE CAILLE: And I understand that you

22

are going to be conducting the direct examination,

23

right?

24

MR. LAUVER: Yes, I am.

25

JUDGE CAILLE: You may proceed.

0169

1 MR. LAUVER: Thank you.

2

3 DIRECT EXAMINATION

4 BY MR. LAUVER:

5 Q. John, where do you work currently?

6 A. I'm currently self-employed. I manage some
7 vacation rental properties, and I have three properties
8 that I manage or own. And I'm also the current
9 landlord of the Plaza Cinema Movie Theater in town.

10 Q. And what is your affiliation with SeaTac
11 Shuttle?

12 A. I am the president of SeaTac Shuttle LLC,
13 the applicant.

14 Q. And let's see. Can you give us SeaTac
15 Shuttle's address?

16 A. SeaTac Shuttle's address is 1150 Southeast
17 Dock Street, No. 201, and that's in Oak Harbor,
18 Washington, 98277.

19 Q. And would you generally describe the
20 facilities at that location.

21 A. That would be -- it's an office building
22 where we would have our administrative and operational
23 office. And we would be parking our two starting --
24 the two vehicles that we intend to start with would be
25 parked there overnight.

0170

1 Q. Does SeaTac Shuttle offer any
2 transportation services currently?

3 A. No.

4 Q. Have you completed and filed with the
5 Washington Utilities & Transportation Commission an
6 application to provide airporter service between Oak
7 Harbor on Whidbey Island and SeaTac International
8 Airport via the Clinton Mukilteo ferry with all of the
9 information required by the WUTC?

10 A. Yes, we have, we filed an application in
11 accordance with the appropriate statutes.

12 Q. And why are you seeking this authority?

13 A. We are of the belief that we individually
14 are frequent travelers and based on the current service
15 out of Oak Harbor, we just determined individually that
16 they do not offer a very efficient or expeditious route
17 to -- the route to SeaTac, and it takes too long, three
18 and a half hours, and you have to change buses. We
19 think we can provide a better alternative since Harbor
20 Airlines is gone.

21 Q. Could you define direct for me.

22 A. I would define it as an expedient,
23 efficient, most direct and shortest route in terms of
24 mileage to get from one point to the other.

25 Q. Would a direct route include a change in

0171

1 vehicles normally?

2 A. No, the same as the airlines, direct means
3 without a change of planes as opposed to, you know, a
4 transfer. And they also do require a transfer from Oak
5 Harbor to SeaTac in Mount Vernon.

6 Q. So you believe there's a public need for
7 the service proposed by your application?

8 A. Yes, I do. There is no convenient, timely
9 service to SeaTac from Oak Harbor.

10 Q. What about the rest of the island, is that
11 serviced in a convenient, direct, or efficient manner?

12 A. It's currently not serviced at all to my
13 knowledge from any shuttle operator, Coupeville,
14 Greenbank, Bayview, Langley, Freeland, and down south.
15 They have no options to take a shuttle service at all
16 without going across the ferry to Shuttle Express.

17 Q. If your application is granted, would you
18 be the only service in Oak Harbor?

19 A. No. In fact based on current RCW 81.68.040
20 the Commission can grant overlapping authority if the
21 existing carriers don't meet the current criteria for
22 travelers.

23 If an airporter doesn't provide direct,
24 expedited, convenient service, then overlapping
25 authority is certainly an option. And we are not

0172

1 advocating that we be the sole operator out of Oak
2 Harbor.

3 MR. RICE: I have a question. Are you
4 reading from your application right now?

5 THE WITNESS: No, this is not my
6 application.

7 JUDGE CAILLE: Is this prepared testimony?
8 The reason why he's questioning you is normally a
9 witness -- when a witness takes the stand, they testify
10 from their -- you testify without anything in front of
11 you, so that's why he's inquiring about that. Is it to
12 assist you in your testimony, or can you put it on the
13 desk, or is this --

14 MR. LAUVER: If I may. We obviously
15 prepared some notes to help us, particularly with the
16 citations and such just as Mr. Rice has notes before
17 him for questions he's asking on cross and on direct.

18 MR. RICE: I'm not a witness, so I can have
19 notes.

20 THE WITNESS: That's fine. I don't have a
21 problem.

22 MR. LAUVER: May he refer to them for
23 citations?

24 JUDGE CAILLE: If you're going to refer to
25 it -- you mean a citation to the RCW's or the WAC's?

0173

1 THE WITNESS: Or a citation of an existing
2 order.

3 JUDGE CAILLE: Well, you know, at the
4 close -- I think the best way to handle this is at the
5 close of the -- after all the witnesses have testified
6 as to each of you or one of you -- one of you can
7 summarize the points that you believe are in your favor
8 for the Commission granting this certificate, and you
9 can cite to statutes and other applications and --

10 THE WITNESS: That's fine.

11 MR. RICE: Your Honor, since you raised
12 that, I wanted to ask you if it's proper to talk about
13 this? We were hoping to request that you consider
14 accepting briefs in this case rather than having
15 closing arguments due to the great number of people who
16 have testified and, you know, the fact that I want to
17 be able to make sure that my notes, which were taken in
18 haste as the witnesses testified, in fact do reflect
19 their testimony. I can't really do that until I have a
20 transcript in front of me. And there are also issues
21 of law here that I can explain at the appropriate time.
22 But I don't know if this is something you want to hear
23 at this time.

24 JUDGE CAILLE: Why don't we get through the
25 witnesses, and then we'll take up the issue of whether

0174

1 we're going to have oral argument or briefs because if
2 it looks like there's a need for briefs, and the
3 parties are agreeable to it -- I was trying to save
4 people some time, but I actually prefer briefs because
5 I like to look at the written word. And I would like
6 to see what your arguments are on paper. And sometimes
7 it's just easier to formulate your arguments and put
8 them on paper rather than to do it spontaneously.

9 So why don't we finish with the examination
10 of the witnesses, and then we'll talk about that.

11 MR. RICE: Okay.

12 MR. LAUVER: Ready to begin?

13 JUDGE CAILLE: Yes.

14 Q. What service does SeaTac Shuttle propose to
15 provide in this application?

16 A. We are proposing shuttle service commencing
17 at the south end of Oak Harbor with stops down the
18 island across the Mukilteo Clinton ferry with priority
19 boarding as required -- or as authorized by appropriate
20 statute. I don't have the specific number.

21 Q. Does --

22 A. And continuing on non-stop from the
23 Mukilteo side to SeaTac.

24 Q. Okay. You mentioned priority boarding, so
25 you have had discussions with the Washington State

0175

1 Ferry System, and they pointed out a particular statute
2 to you?

3 A. That is correct, there is a -- priority
4 boarding is authorized and shall be authorized for
5 essentially shuttle type vehicles, van pool type
6 vehicles with appropriate application to the ferry.

7 Q. And this is an airporter type service?

8 A. That is correct.

9 Q. What does airporter mean to you?

10 A. Typically a van or bus service that gets
11 you to the airport by the most efficient route and time
12 frame possible.

13 Q. All right. Could you describe your
14 schedule, please.

15 A. The schedule that has been referred to in
16 previous testimony was of course required as part of
17 the original application. It was a preliminary
18 schedule since it was done over two months ago, and
19 since that time we have talked to several travel agents
20 and individuals and have a revised schedule that we
21 think is more appropriate to begin with.

22 And that of course is also subject to
23 revision prior to actually commencing service. And
24 until we receive authority we can't provide a final
25 schedule of course. But this is our working document

0176

1 right now that we think will best serve the traveling
2 public based on inputs that we've received from the
3 travel agents primarily.

4 Q. Does the current version --

5 MR. LAUVER: Actually perhaps we -- maybe
6 it would be best if we entered this in as an exhibit at
7 this time.

8 JUDGE CAILLE: Let's mark this as
9 Applicant's Exhibit 1 -- well, let's call this -- let's
10 just call this Exhibit 2. And it's a revised schedule.

11 (Marked Applicant's Exhibit 2.)

12 JUDGE CAILLE: All right.

13 MR. LAUVER: Thank you.

14 Q. Looking at Exhibit No. 2, is this the
15 current version of your proposed schedule?

16 A. Yes, it is.

17 Q. And how did this develop? How did the
18 changes on this come about from that which was
19 originally submitted with the application?

20 A. We talked to both individuals and primarily
21 travel agents to find out what they felt what kind of
22 schedule met their customer needs. The general feeling
23 was that it was imperative to have as early as possible
24 a schedule to allow them to catch flights at SeaTac
25 that were the earlier morning departures after 7:30,

0177

1 eight o'clock, or in that time frame, which primarily
2 are east coast departures. So we started with a much
3 earlier schedule than in the original preliminary
4 applications.

5 Q. Did you look at any other possibilities
6 such as more van trips per day than is currently listed
7 on Exhibit 2?

8 A. Well, we can always increase the schedule
9 with the vans we have by at least one more per day.
10 And of course if demand results in it, and we get
11 feedback that we need to adjust our times, we can
12 certainly do that with the assets we have available.

13 Q. Okay. So what you're telling me is that
14 the schedule appended to the original application that
15 has been referred to in earlier testimony is only a
16 working document and not an actual schedule necessarily
17 that SeaTac Shuttle proposes to operate under?

18 A. That is correct.

19 Q. And given that, you heard a series of
20 questions asked of earlier witnesses regarding
21 hypothetical connections and the drive times, elapsed
22 times, and faster times. Inasmuch as that particular
23 schedule does not necessarily bear any relevance to a
24 final document, are those questions in your mind
25 relevant at all?

0178

1 A. Not really. The hypothetical examples,
2 many of them I think -- or nearly all of them or maybe
3 all of them were answered by this revised schedule that
4 solve some of those issues.

5 Q. Even if they aren't answered specifically
6 by this revised schedule, is this the final document
7 necessarily, and would SeaTac Shuttle be committed to
8 this and only this schedule with no future revisions?

9 A. Of course not. We don't have to submit a
10 final schedule until authority is granted and prior to
11 appropriate notice to begin service to the public. And
12 at any point in time with appropriate notice we can
13 also revise the schedule to better serve the public if
14 we find that the public needs a different time frame.
15 We are totally flexible with our schedule by proper
16 notice to the Commission.

17 Q. Can you describe the route that you propose
18 for your service?

19 A. We will depart Oak Harbor. We will be
20 stopping in Greenbank -- or in Coupeville, in
21 Greenbank, in Freeland, and Bay View and then a stop
22 that is essentially considered part of Langley and
23 Clinton and then get on the ferry with priority
24 boarding, and off the ferry we will continue non-stop
25 from Mukilteo to SeaTac.

0179

1 Q. Now, you've mentioned priority boarding, so
2 do you see using the ferry as an impediment to
3 maintaining a schedule at all?

4 A. Not at all. That particular ferry is used
5 by commuters even earlier than when our schedule
6 begins, and they have departures every half hour, and
7 so I don't anticipate any problems whatsoever with the
8 use of the ferry.

9 Q. So with your priority boarding, you're not
10 going to have ferry back-ups and multiple waits to
11 board the ferry?

12 A. That is correct, we will go right to the
13 head of the line regardless of how long the line is up
14 the highway.

15 Q. How long have you lived on Whidbey Island?

16 A. Since 1976.

17 Q. And at any time do you recall any periods
18 where the Mukilteo ferry was unavailable due to the
19 tides?

20 A. No.

21 Q. Do you recall any periods where the
22 Mukilteo ferry was unavailable due to catastrophic
23 events?

24 A. The only situation I recall was there was a
25 time when I don't recall if it was the Mukilteo or the

0180

1 Clinton side had some damage due to I believe the ferry
2 striking it. I don't recall that it was more than one
3 day out of service. But that was several years ago.

4 Q. So in 25 years or more of living on the
5 island, you really can only recall perhaps one instance
6 where there might have been a delay in the ferry
7 because of mechanical or facility problems?

8 A. Personally that's the only time I recall.

9 Q. Okay. Do you have a copy of your
10 application -- SeaTac Shuttle's application?

11 A. I don't have one in front of me, but I do
12 have a copy.

13 Q. You're familiar with it?

14 A. Yes, I am.

15 Q. Are the statements in that application
16 still true, or are there any changes or modifications
17 to that?

18 A. The statements are still true. There are
19 some minor administrative changes and housekeeping
20 changes we addressed at the pre-hearing conference.

21 Q. And perhaps changes in rates and tariffs as
22 provided?

23 A. Yes, subject to what we discussed about
24 both rates and the schedule.

25 Q. Who will manage and operate SeaTac Shuttle?

0181

1 A. I will and Mike Lauver will primarily be
2 the management staff initially.

3 Q. What will your duties encompass?

4 A. I will primarily be responsible for the
5 financial accounting side and business side. Mr.
6 Lauver will be primarily responsible for the
7 operational side.

8 Q. Do you have any experience providing
9 passenger service?

10 A. I do not.

11 Q. Do you have any management or financial
12 background or experience?

13 A. Yes, I do. I initially was a naval officer
14 on active duty for nine years. During that period of
15 time I also was involved in commercial flight
16 instructing. I left the service on active duty and
17 continued in the naval reserve for another 19 -- I'm
18 sorry, another 18 years of reserve service.

19 During that time I was also an assistant
20 professor at Chapman University and Embry-Riddle
21 University at their education center campus on Whidbey
22 Island at the base. I'm also am a former real estate
23 broker with a broker's and a realtor associate license
24 prior to that.

25 And then in 1981 I developed a circuit of

0182

1 movie theaters including the one in Oak Harbor which
2 was built from scratch and acquired five other -- four
3 other total theaters over the next five years and
4 operated those for ten years and then sold those in
5 1990. Since then I've been involved in the current
6 operation as a landlord and as a property -- rental
7 property renter manager.

8 Q. Would you please describe your educational
9 background.

10 A. I have a bachelor's degree from the
11 University of Idaho in mathematics and statistics. I
12 have a master's in business administration degree and
13 finance and accounting from UCLA.

14 Q. Does your past education, military, and
15 business experience help you understand how to operate
16 a transportation service or any business?

17 A. I think my background in both education and
18 business certainly qualify me to start this business
19 and manage it.

20 Q. Referring back to your application, does
21 SeaTac Shuttle have an equipment list?

22 A. Yes, we do.

23 Q. And that was filed with --

24 A. That was filed with the application. We do
25 have again an amended choice of vehicles that we are

0183

1 considering based on the fact that when we filed this
2 initially in April this particular vehicle was not
3 readily available, and now it is, and so we will have
4 an amended vehicle list.

5 Q. Would you describe those changes just
6 briefly for us here.

7 A. Well, in the original application I believe
8 we listed it as two Chevy three-quarter standard
9 passenger type vehicles similar to the Ford Econoline,
10 and we have now decided that we are going to look at a
11 new vehicle called the Dodge Sprinter. It's made in
12 both a cargo and passenger version.

13 It's a new technology vehicle in the United
14 States being marketed through Dodge. It has a Mercedes
15 engine, diesel. It gets much better mileage per gallon
16 than the existing vehicles used in shuttle services.
17 It's much more spacious. It has a full walk-in height
18 type passenger cabin. And we feel it's an ideal vehicle
19 for this use.

20 Q. When you say that you are looking at those,
21 have you in fact identified vehicles for purchase, and
22 are you actively working with anyone to purchase those
23 vehicles?

24 A. Yes, we are. We've discussed purchase
25 price and availability and location with Lynnwood

0184

1 Dodge, and we have two invoices of vehicles that were
2 currently available when we last spoke with them. And
3 we've also spoken with the sales director -- the
4 regional sales director for Dodge Sprinter vans, and he
5 says that he can obtain vehicles for us within eight to
6 ten days of notification.

7 Q. Is it your intention then to purchase these
8 vehicles as soon as authority is granted?

9 A. Yes.

10 Q. How will you handle maintenance on the
11 vehicles? Is there any priority basis or special
12 considerations that you've negotiated?

13 A. The dealers that are authorized to sell
14 these also have a special business link connection
15 which only authorizes them to sell them. The routine
16 maintenance on these vehicles is quite straightforward,
17 and in fact it's less frequent than a normal minivan or
18 a normal shuttle van. It only requires lube, oil,
19 filter every 10,000 miles and regular service every
20 20,000 mile.

21 So the 10,000 mile services will be done
22 locally, which are authorized under the warranty. And
23 the 20,000 service would be done through the dealer
24 network. And they've indicated that under the
25 circumstances, they know that we have a priority need

0185

1 for vehicles, and so they will do that maintenance for
2 us as soon as possible with advanced notice.

3 Q. Did they indicate that they had two
4 specific service bays to accommodate commercial
5 operators for Sprinter purchasers?

6 A. Yes.

7 Q. Will you conduct pre-trip vehicle
8 inspections?

9 A. Of course.

10 Q. And can you just very briefly tell us what
11 a pre-trip inspection might entail.

12 A. Well, similar to what we use in aviation
13 being a former pilot as well -- or current pilot I
14 should say, in addition to your normal walk around
15 inspection, both interior, exterior, cleanliness,
16 mechanical tests, lights, signals, fluid levels, and
17 all the normal appropriate checks that you would as a
18 passenger car do driving yourself.

19 Q. Is your primary focus just making sure that
20 the vehicle is clean or safe?

21 A. Primarily safe but cleanliness as well.

22 Q. Will SeaTac Shuttle maintain vehicle
23 maintenance files?

24 A. Yes.

25 Q. Once again very briefly can you describe

0186

1 what might be included in a vehicle maintenance file.

2 A. Well, in addition to of course the file for
3 the vehicle itself, which would have the normal
4 information, vin and data about the purchase and all
5 that, there would be of course a complete file of the
6 scheduled maintenance for that vehicle as well as any
7 of the items that come up through routine operation
8 that need fixing or repair. And those would be tracked
9 and obviously taken for appropriate action as necessary.

10 Q. You mentioned cleanliness of vehicles. Is
11 it your intention to wash and clean the vehicles
12 yourself, or have you made arrangements for a commercial
13 facility?

14 A. We have talked to the commercial car wash in
15 Oak Harbor. There's actually two locations owned by
16 the same individual. We have a letter that individual
17 has sent to us basically stating that it is capable to
18 do what we want to do, and they are on site and have
19 all the appropriate environmental issues resolved and
20 are a regular commercial operator car wash.

21 Q. Does SeaTac Shuttle have insurance, or will
22 it acquire insurance prior to commencing operations?

23 A. Yes, of course we will. We also have
24 investigated with two insurance companies already. We
25 have quotes from both of them subject to the final

0187

1 specific vin number that goes with the insurance as
2 well as submission of the actual records of the drivers
3 as part of the policy.

4 Q. All right. Let's discuss procedures here
5 for keeping vehicles running on schedule. Do you have
6 a communications facility that will ensure that the
7 buses arrive at the scheduled times and that the
8 drivers are monitored and able to check in?

9 A. Yes. Our drivers will be equipped as well
10 as the main office and myself and Mr. Lauver will have
11 Nextel Communication mobile devices, which also have a
12 feature called mobile direct, which is sort of a
13 walkie-talkie between mobile service. So they will
14 have those.

15 And of course the office will be staffed
16 during times that the vehicles are on the road as well
17 as the ability for a land line of course. If for some
18 reason the mobile broke or whatever, we would be able
19 to notify through a land line at any of the stops or
20 locations where our passengers would be getting on if
21 there was a problem.

22 Q. In the unlikely event that the vehicle does
23 break down, have you made provisions to provide any
24 back-up vehicles?

25 A. Yes, we have a back-up vehicle, and that

0188

1 would be available by adding it as a temporary basis to
2 the insurance policy, which we've already discussed
3 with the agents.

4 Q. Do you currently own that vehicle?

5 A. It is my vehicle, and it is a Chrysler
6 Voyager mini van.

7 Q. Staffing, how many drivers do you propose
8 to initially hire?

9 A. We would be probably hire between eight and
10 ten to start based on two vans and four round trips per
11 day.

12 Q. And it will require that to staff just two
13 vans?

14 A. Yes, because we only want each driver to
15 make one round trip, which is about a five and a half
16 to six hour duty cycle, so as a result we do need to
17 hire that many people to accommodate those trips
18 because we are of course a seven day operation.

19 Q. In addition to the drivers, yourself, and
20 myself, will you be hiring any other additional staff
21 or positions such as dispatchers?

22 A. Yes, we'll be hiring four dispatchers
23 again to cover the total amount of time required for
24 the seven day operation and for the length of the duty
25 day.

0189

1 Q. Okay. So from what I understand then
2 you're looking at creating 14 new jobs in the
3 community?

4 A. That would be correct. Yes.

5 Q. Will the office or dispatch for drivers be
6 able to communicate directly with you or Mr. Lauver
7 even if you do not happen to be in the office?

8 A. Yes. As I mentioned we will also have
9 those Nextel mobile phones available with us.

10 Q. Okay. Do you have driver hiring policies
11 and procedures in place?

12 A. Yes.

13 Q. And will SeaTac Shuttle train its drivers?

14 A. Yes, we will.

15 Q. Do you expect to continue to monitor driver
16 performance after drivers become employed by SeaTac
17 Shuttle?

18 A. Yes, each driver will have a semi-annual
19 review both some classroom review as well as
20 on-the-road checks through our driver safety program.

21 Q. Will SeaTac Shuttle comply with Department
22 of Transportation requirements?

23 A. Yes, as appropriate.

24 Q. Does SeaTac Shuttle have a safety manager?

25 A. Yes.

0190

1 Q. And who might that be?

2 A. That would be Mr. Lauver.

3 Q. Could you describe how a passenger would go
4 about obtaining a ticket for the SeaTac Shuttle service.

5 A. They could obviously show up in person to
6 our office. They could call in on either our local
7 number or an 800 number. And they will also in the
8 future hopefully short -- near future after approval be
9 able to purchase on line as well.

10 Q. Do you foresee your drivers soliciting,
11 selling, or collecting for fares?

12 A. No. We would prefer, and we do not plan on
13 having the drivers sell tickets directly to the public
14 unless they are just asked in advance, and then the
15 public would be required to contact the office with the
16 appropriate credit card. But the driver will not sell
17 tickets directly.

18 Q. And I assume you plan to advertise your
19 service?

20 A. Of course, we would be advertising in the
21 local papers on the island as well as possibly the
22 option for some TV advertising on the local public
23 service channels in both Coupeville and Oak Harbor to
24 have -- we also would be doing some flier advertising,
25 direct mail campaign, talking to local service clubs,

0191

1 and presentations as much as possible to get the word
2 out that there is a new service, an alternative in town.

3 Q. Do you know what a concession agreement is?

4 A. Yes.

5 Q. And do you have such an agreement with
6 SeaTac Airport authority to pick up and drop off
7 passengers at SeaTac Airport?

8 A. We do not have one now because SeaTac won't
9 grant a concession agreement until you actually have an
10 application approved; however, we have met -- Mr.
11 Lauver has met personally, and I have spoken on the
12 phone with Mike Civitelli, who is the ground
13 administration manager of the SeaTac operations.

14 And he has given us all of the appropriate
15 guidelines and the general procedure of what they do
16 and has indicated that once we have our application,
17 that they will take the final steps necessary to grant
18 us access and the procedures necessary for checking in
19 and out of SeaTac.

20 Q. So he has offered no --

21 MR. RICE: Objection. That's hearsay.

22 JUDGE CAILLE: Technically it is hearsay,
23 but as you know we allow hearsay. So I'm going to allow
24 this in, and it will be subject to the appropriate
25 weight.

0192

1 You may proceed.

2 Q. Okay. Is it required that SeaTac Shuttle
3 have a concession agreement prior to granting authority?

4 A. No.

5 Q. Is SeaTac Shuttle financially capable of
6 operating an airporter service such as proposed?

7 A. Yes, we are.

8 Q. Could you tell us briefly about some of the
9 assets of SeaTac Shuttle.

10 A. Well, of course our primary assets will
11 consist of two things. Once we begin operations we
12 will have the assets of the vehicles which will be
13 purchased.

14 And we will have the assets of a letter of
15 credit from myself as an individual to the LLC
16 corporation of \$100,000. So we anticipate initial
17 starting assets would be in the \$137,000 range as noted
18 on the application I believe part 15 -- 15 or 16.

19 Q. So essentially you are contributing
20 approximately \$140,000 as start-up capital to this
21 venture?

22 A. That is correct.

23 Q. Based on your testimony do you believe that
24 SeaTac Shuttle as proposed is fit, willing, and able to
25 provide the service described in the application?

0193

1 A. Absolutely. I think we have all the
2 qualifications necessary to start this business.

3 Q. Do you have anything additional to add at
4 this time?

5 A. Not at this time.

6 MR. LAUVER: And then that concludes mine
7 to begin with.

8 JUDGE CAILLE: I have a couple of questions.

9

10 EXAMINATION

11 BY JUDGE CAILLE:

12 Q. Mr. Solin, I'm not sure if this is
13 appropriate to ask of you or of Mr. Lauver. At the
14 pre-hearing conference there was some discussion about
15 change in the wording on the proposed route. Has there
16 been anything solidified as far as --

17 MR. LAUVER: That new word is contained in
18 the stipulation presented by --

19 JUDGE CAILLE: Maybe I should be asking
20 you. I guess it doesn't really matter.

21 MR. LAUVER: It's contained in the
22 stipulation we have that Mr. Rice submitted concerning
23 SeaTac Shuttle and Shuttle Express.

24 JUDGE CAILLE: All right. So this is for
25 -- this is for the agreement regarding SeaTac Shuttle

0194

1 -- is that -- let's see.

2 MR. LAUVER: If I may.

3 JUDGE CAILLE: No, with Shuttle Express.

4 And the one that we're dealing with right now is the
5 Wickkiser Airporter Shuttle. So are you saying that
6 the description here will be the description in your
7 application -- your total application?

8 MR. LAUVER: That is correct.

9 JUDGE CAILLE: Okay.

10 MR. LAUVER: As you mentioned at the
11 pre-hearing conference, we brought up the issue of
12 clarifying the round-trip nature of our application.
13 That's reflected in current wording there. And the --
14 there is no expansion of route, no change of route.
15 It's simply a directional clarification. The change
16 that reflects the agreement between SeaTac Shuttle and
17 Shuttle Express is that there is now closed-door
18 service between Clinton and SeaTac.

19 JUDGE CAILLE: Okay. Correct me if I
20 misstate anything.

21 MR. LAUVER: Sure.

22 JUDGE CAILLE: How does this -- as I recall
23 the problem -- or the concern was that this would not
24 -- we didn't want this to be construed as a one-way
25 trip?

0195

1 MR. LAUVER: That's correct. The word two
2 was used in the routing which could possibly imply a
3 direction; although, in discussing this with staff
4 we've been provided with some citations that show that
5 that really isn't the way it's going to be interpreted.
6 But we just felt for clarity since we were going to be
7 changing the language within the stipulation that was a
8 good time to take care of those terms.

9 JUDGE CAILLE: So, Mr. Lauver, as it reads
10 on this Joint Exhibit No. 1, the stipulation of Shuttle
11 Express and SeaTac Shuttle, that same description would
12 apply to -- well, it's the same route. Of course it
13 would. I'm sorry. It's getting late. All right. I
14 got it. Thank you.

15 Q. One other question. You were considering a
16 change in name to include something about Whidbey in
17 your name?

18 A. Yes. When we talked with Mr. Civitelli, he
19 suggested that we should have something in the name
20 relating to Whidbey or Oak Harbor because he didn't
21 want it to be confusing. In SeaTac when people ask for
22 information at their information booth what is SeaTac
23 Shuttle, there might be some confusion as to where does
24 SeaTac shuttle go.

25 So we suggested to him and would propose to

0196

1 the Commission that upon granting of authority the name
2 of the d/b/a would be Whidbey-SeaTac Shuttle. The
3 applicant name of course and the ownership name would
4 not change. That would still be SeaTac Shuttle LLC.

5 That name change really only needs to be
6 addressed with the Department of Revenue under a d/b/a
7 name because SeaTac Shuttle is not changing. So it's
8 only a d/b/a name and a name for the public to know
9 what the actual name of the service is.

10 Q. And finally -- I do have one more. I'm
11 sorry. On the -- earlier today on the exhibit that was
12 provided by Mr. Rice, I'm referring to this as Exhibit
13 No. 2, Joint -- or, no, Protestant's Cross Exhibit No.
14 2, the company name is listed as Whidbey Island
15 Transportation Services. And we did amend that.

16 And just for the record this is my
17 understanding of what occurred. Apparently when this
18 -- when the draft application was filed, it was filed
19 under this name, and it has since been corrected at the
20 Commission; is that correct?

21 MR. LAUVER: Essentially.

22 JUDGE CAILLE: Okay. If you would like to
23 add anything further, you may.

24 MR. LAUVER: Well, the application itself
25 is and was filed under the name SeaTac Shuttle d/b/a

0197

1 SeaTac Shuttle. Apparently a portion of the rates and
2 tariffs, specifically this one piece, for some reason
3 had that earlier name on it. The application itself
4 always has been under the name SeaTac Shuttle d/b/a
5 SeaTac Shuttle.

6 JUDGE CAILLE: Thank you for that
7 clarification.

8 Now we're ready for cross-examination.

9 MR. RICE: Actually at this time I would
10 like to ask to take a break to discuss the amendment
11 that the applicants just submitted to you.

12 JUDGE CAILLE: And how much time would you
13 like?

14 MR. RICE: I think ten minutes.

15 JUDGE CAILLE: Ten minutes. Okay.

16 (Short recess.)

17 JUDGE CAILLE: We're back on the record
18 after a ten minute recess.

19 And you were ready to begin the
20 cross-examination of Mr. Solin.

21

22 CROSS-EXAMINATION

23 BY MR. RICE:

24 Q. Thank you. Mr. Solin, do I understand you
25 correctly that you have not operated an airporter

0198

1 service before?

2 A. That's correct, I have not.

3 Q. And have you ever driven a bus before?

4 A. No.

5 Q. Do you have a commercial driver's license?

6 A. No, I do not.

7 Q. And I understand you correctly that you
8 will be driving the buses for your operation that you
9 propose here?

10 A. Initially I may drive after being checked
11 out in everything along with Mr. Lauver, but primarily
12 the people that we hire will be the drivers --

13 Q. Uh-huh.

14 A. -- after we are up and running.

15 Q. If you have not operated an airporter
16 service before and you propose to manage people who
17 will have the knowledge to do that, how will you know
18 if they're doing it correctly?

19 A. Just like any business, you have to
20 determine what you are trying to accomplish. And based
21 on my past 25, 30 years of being involved in both the
22 military and business, I think I have the qualifications
23 to successfully operate and train people.

24 Q. Do you think that the -- are you familiar
25 with the Federal regulations and State regulations that

0199

1 govern operation of an airporter service?

2 A. I am aware of the various sections.

3 Obviously I'm not specifically aware of any exact rules
4 and regulations. Ask me the question of what you want
5 to ask?

6 Q. How would you know if someone were
7 violating a regulation if you were to walk in and see
8 something occurring? For example, let me -- are you
9 familiar with the hours of service rule?

10 A. I am basically familiar with them, yes.

11 Q. Okay. What does that involve?

12 A. Well, as I understand it for our operation
13 the only rule that even remotely comes into play is how
14 many hours our drivers would drive during any given 70
15 or 80 hour period. Since our driver shifts are only
16 six hours long, I believe we meet all the drivers in
17 service rules.

18 Q. So you think you will be able to tell if
19 somebody was violating that rule?

20 A. Yes.

21 Q. Am I correct that you are seeking priority
22 boarding for your vehicles on ferries?

23 A. Yes.

24 Q. Okay. Will your vehicles be using a
25 trailer at any point to haul additional, say, luggage

0200

1 or something?

2 A. We don't anticipate that that would be a
3 normal occurrence, but we have asked for that ability
4 in the authority.

5 Q. Okay. Are you aware of any restrictions on
6 the ability to have priority boarding when you have a
7 trailer attached to your vehicle?

8 A. No.

9 Q. I believe you said you would have a driver
10 training program; is that correct?

11 A. Yes.

12 Q. Okay. Who is going to develop that program?

13 A. Myself and Mr. Lauver.

14 Q. Okay. Uh-huh. And you mentioned that you
15 did not have any experience operating an airporter. How
16 is it that you're going to develop a driver training
17 plan when you've never done this before?

18 A. Again I feel I have the educational,
19 business experience to work in conjunction with
20 appropriate safety rules and regulations to develop a
21 safety plan.

22 Q. Do you think it's necessary to know those
23 rules before you start your business?

24 A. I think it's important to know those rules
25 before you do start your business, yes. That is

0201

1 correct.

2 Q. So are you going to be -- are you going to
3 get your authority and then learn the rules and then
4 operate the service, or are you going to learn the
5 rules as you go along?

6 A. We would certainly learn the rules and
7 follow the rules and set up everything appropriate to
8 the rules prior to actually starting service to the
9 public.

10 Q. I have your latest proposed schedule in
11 front of me. Do you have a copy nearby?

12 A. Yes.

13 Q. Okay. And when did you file this with the
14 Utility Commission?

15 A. This has not been filed.

16 Q. Not filed. Why didn't you file it?

17 A. Because we don't have to file the final or
18 the starting rules until the application has been
19 granted.

20 Q. Uh-huh.

21 A. So we are just working on proposed
22 schedules at the present time.

23 Q. So when did you prepare it?

24 A. This was prepared I would say approximately
25 three to four weeks ago.

0202

1 Q. Uh-huh. If you would -- do you have a copy
2 of this?

3 A. There is one here. I can get it. There's
4 one inside the book here. Yes, I do.

5 Q. Let's assume that one of your passengers
6 had a 10:30 a.m. flight originating in Oak Harbor and
7 going to SeaTac. Which of your buses would they take?

8 A. A 10:30 departure from SeaTac?

9 Q. Uh-huh.

10 A. They would take the first flight -- the
11 first schedule.

12 Q. Okay. And when does that get people to
13 SeaTac?

14 A. 6:30 in the morning.

15 MR. LAUVER: I'm going to object here
16 because Mr. Solin has already testified that this is a
17 working document, not a final document, not a document
18 that has been submitted to the Commission, and that to
19 hypothesize off of it is absolutely irrelevant inasmuch
20 as this document could significantly change from its
21 current form before our authority is granted.

22 JUDGE CAILLE: Go ahead, Mr. Rice.

23 MR. RICE: If I may, we are entitled to
24 analyze anything the applicant submits here, and
25 particularly when it affects something as important as

0203

1 how many round trips they will make and how frequently
2 the service will operate.

3 They have -- they are telling -- are
4 claiming that the service will be faster, and this is
5 supposedly part of the evidence for it. And it's one
6 of the core documents of their case. And it's our
7 position as long as they run four round trips, they've
8 got a problem. You can move times around all you want.

9 And they've done that today, and they might
10 yet again file something next week. But if it's four
11 round trips, we're going to have that over and over
12 again. And we have the right to make that claim here.

13 MR. LAUVER: Once again we've testified
14 that we are not seeking authority to the exclusion of
15 Wickkiser. This is supplemental service. And our
16 frequency will serve those passengers that care to deal
17 with us.

18 JUDGE CAILLE: All right. I am going to
19 allow him to proceed with the questioning. This is - I
20 think he's probably somewhat caught by surprise that
21 the schedule has changed. And normally if there had
22 been discovery, that would have been discoverable, and
23 Mr. Rice may know about it.

24 But I really don't think it's fair to since
25 we had all those witnesses this morning that were

0204

1 testifying off the one schedule to now bring in a
2 different schedule and sort of -- I mean I just don't
3 think it's fair.

4 So, Mr. Rice, you may proceed.

5 MR. RICE: Uh-huh.

6 Q. This morning when I was holding up your
7 schedule that I had taken from your application on file
8 with the Commission and I was talking about that with
9 your witnesses, were you aware at that time that you
10 had this schedule before you?

11 A. Yes.

12 Q. Okay. Let's -- I don't think we completed
13 our analysis of the flight arrival times. We have a
14 10:30 flight in the morning. Which bus -- this is
15 coming out of Oak Harbor. Which one am I taking
16 -- which Airporter Shuttle bus would I take to reach
17 that flight?

18 A. You would take the 4:15 and arrive at 6:30:
19 Are you talking my schedule or your schedule?

20 Q. I'm sorry. I'm talk about the Airporter
21 schedule.

22 A. For a 10:30 SeaTac, I would say that you
23 would take the 5:50 a.m. departure arriving at 8:40
24 a.m.

25 Q. So a traveler could leave their home later

0205

1 on Airporter if they used Airporter Shuttle's service
2 to reach the same flight than if they were using your
3 service?

4 A. For that exact hypothetical flight leaving
5 at 10:30, that is correct.

6 Q. Let's look at a SeaTac to Oak Harbor
7 situation. Someone arrives at twelve o'clock noon at
8 SeaTac. Which van of yours would they take?

9 A. If their flight arrives at noon at SeaTac,
10 they would take the 4:00 p.m. departure getting in at
11 6:10.

12 Q. Okay. And which one would they take for
13 Airporter Shuttle?

14 A. If they arrived at noon, they would have
15 possibly two choices depending on how fast their bags
16 got off the plane. They might make the one o'clock
17 departing SeaTac, and they would arrive then at 4:30.
18 And if they missed their bags, then it would be two
19 hours after that.

20 Q. Under -- would that passenger arrive home
21 sooner using your airporter service or Airporter
22 Shuttle service?

23 A. They would arrive sooner using Airporter
24 Shuttle under your hypothetical example of a noon
25 arrival.

0206

1 Q. Let's try one last one. If you are
2 arriving at SeaTac at 11:00 p.m., which Airporter
3 Shuttle bus would you take?

4 A. Again if you made your baggage in a half
5 hour, you would be able to get on the last Airporter
6 Shuttle at 11:30 getting home at 3:15 in the morning --
7 I'm sorry, three o'clock in the morning.

8 Q. And which bus would they take using your
9 schedule?

10 A. We don't have service that late.

11 Q. So they would have to stay at a hotel then
12 and take the first bus out the next morning if they
13 wanted to use your service?

14 A. That would be true.

15 Q. Do you have your application in front of
16 you?

17 A. No, I do not.

18 Q. Okay. When you filed your application, you
19 checked a provision yes to the question will you comply
20 with the road test provisions section 391.31. Do you
21 know what that section requires?

22 A. Specifically no.

23 Q. Okay.

24 A. It requires -- I mean in detail no. I
25 should clarify.

0207

1 Q. Generally speaking what does it deal with?

2 A. That there's a review of the drivers on the
3 road.

4 Q. Okay. I think you've testified that you
5 believe you have the financial assets to be able to
6 provide this service. Did I get that correctly?

7 A. That's correct.

8 Q. Okay. In light of the fact that you have
9 not provided this service before, how have you come to
10 that conclusion?

11 A. Based on the studies of what we feel our
12 ridership is going to be as submitted in the
13 application, we feel that that amount of funding is
14 ample to start and continue operations for a reasonable
15 period of time.

16 Q. How did you develop your studies?

17 A. By looking at the number of people that we
18 expect to be traveling from Oak Harbor based on
19 conversations with travel agents and the number of
20 people that were traveling prior to Harbor Air being
21 closed two years ago.

22 Q. Did you prepare any kind of written study?

23 A. Well, I did a written analysis of my own.

24 Q. Okay.

25 A. But I don't have -- I did not hire anyone

0208

1 to prepare a marketing study, no.

2 Q. Okay. So you spoke to people you said a
3 couple travel agents and other people in the community
4 I think; is that right?

5 A. Yes.

6 Q. Okay. If those people -- had those people
7 ever operated an airporter service to your knowledge?

8 A. No.

9 Q. Okay. If they were wrong in their
10 estimates of how many people would ride an airporter
11 service operated by you, how would -- would you have
12 any way of knowing that?

13 A. No.

14 MR. RICE: That's all I have.

15 JUDGE CAILLE: Any cross, Ms. Tennyson?

16 MS. TENNYSON: No.

17 JUDGE CAILLE: Any redirect?

18 MR. LAUVER: I have a couple.

19

20 REDIRECT EXAMINATION

21 BY MR. LAUVER:

22 Q. Is there a requirement that you have -- that
23 an applicant operate or have substantial experience in
24 operating an airporter as a requirement for filing for
25 an application or being granted authority?

0209

1 A. I do not believe that is absolutely
2 required. There have been cases that I reviewed that
3 appear that reasonable financial knowledge and skill is
4 sufficient.

5 Q. Are you aware of any specific rulings by
6 the Commission, perhaps Valentinetti, that suggest that
7 prior experience is not a requirement?

8 A. Yes, I read Valentinetti, and that's one of
9 the key points that the Commission states in the final
10 order.

11 Q. Likewise in Valentinetti, did the
12 Commission in the final order also find that the
13 financial considerations provided that --

14 MR. RICE: If I may object. It sounds like
15 this is not seeking facts from the witness but some
16 kind of argument being made about the law, which is
17 more appropriate for either a brief or post hearing.

18 JUDGE CAILLE: Mr. Lauver.

19 MR. LAUVER: My point is that Mr. Rice is
20 asking questions in areas which are already addressed
21 by the Commission as not being significant factors in
22 an application.

23 JUDGE CAILLE: That would probably be
24 appropriate for you to point out in an argument or in a
25 brief because what you need to be doing is asking

0210

1 factual questions of your witness so not evoking a
2 legal argument.

3 So your objection is sustained.

4 And do you have any other questions?

5 MR. LAUVER: I think I will rest for now.

6 I would like the ability to recall Mr. Solin at a later
7 time.

8 JUDGE CAILLE: As a rebuttal witness?

9 MR. LAUVER: As a rebuttal to the Wickkiser
10 witnesses.

11 JUDGE CAILLE: That's fine.

12 MR. RICE: Your Honor, will you -- I
13 withdraw it.

14 JUDGE CAILLE: You're excused, Mr. Solin.
15 Thank you.

16 MR. SOLIN: Thank you.

17 MR. CAILLE: Are you going to testify as
18 well?

19 MR. LAUVER: Yes.

20 Whereupon,

21 MICHAEL LAUVER,
22 having been first duly sworn, was called as a witness
23 herein and was examined and testified as follows:

24 JUDGE CAILLE: And if you'll state your
25 name and spell your last name for the court reporter.

0211

1 THE WITNESS: Michael Lauver, L A U V E R.

2 JUDGE CAILLE: You may proceed.

3

4 DIRECT EXAMINATION

5 BY MR. SOLIN:

6 Q. Mr. Lauver, what will be your current
7 position with SeaTac Shuttle if this application is
8 approved?

9 A. General manager.

10 Q. And prior to that, what was your previous
11 occupation and business background?

12 A. Well, most recently I owned and operated a
13 restaurant in Coupeville. Prior to that for the past
14 25 to 30 years or so I've been involved in various
15 business enterprises as either an owner or an officer.

16 I was associated with a trust fund for
17 nearly 20 years and in that capacity managed probably
18 six to eight businesses both domestically and
19 internationally. I managed assets for the trust of up
20 to 40 million dollars.

21 And I personally have owned air charter
22 services, hotels, and restaurants. Basic business
23 background.

24 Q. You heard me describe in my testimony that
25 we have discussed the application itself, the

0212

1 facilities, the equipment, the financial ability, the
2 fitness of SeaTac Shuttle. Do you agree with what I
3 have stated so far?

4 A. Yes, I think you covered those areas
5 adequately.

6 Q. Have you had any personal experience
7 providing transportation to the public?

8 A. Yes, I have in a number of fashions. For
9 one I operated an FAA certificated air carrier, air
10 charter service for nearly 15 years. I provided
11 on-demand passenger flights, scheduled cargo, and
12 scheduled passenger flights under private contract.

13 I operated a number of airport type and
14 hotel type shuttles between my air carrier and the
15 hotels that I owned and train stations and other hotels
16 in the vicinity of the airports.

17 Q. Would you describe your educational
18 background and experience and how you feel that
19 qualifies you to be involved in the operation and
20 management of an airport shuttle service?

21 A. Well, I hold two degrees, one in
22 anthropology and one in computer science. One from the
23 University of California at San Diego and the other
24 from Coleman College, San Diego.

25 My business background I went into a little

0213

1 bit there. My transportation background speaks for
2 itself; although, in addition to operating shuttles and
3 an air charter service I have also flown as a pilot
4 with American Airlines' Eagle division in regularly
5 scheduled international service.

6 Q. Do you have a commercial driver's license?

7 A. Yes, I do.

8 Q. Is a commercial driver's license required
9 for any of our drivers on the proposed service that we
10 are requesting?

11 A. Not as it is proposed.

12 Q. Have you ever been involved in any type of
13 rules and regulations requiring safety, training, drug
14 abuse, alcohol in any of your businesses?

15 A. Yes, all of the above. Particularly with
16 respect to the air carrier, the FAA puts a very
17 significant burden on air carriers with regard to
18 training, safety, alcohol and drug testing programs.
19 I've been the prime developer of just such programs for
20 our air carrier over the past 15 years.

21 Q. On the personal side do you travel to
22 SeaTac quite frequently?

23 A. All too frequently, as many as 20, 30 times
24 a year.

25 Q. And has your personal experience in

0214

1 traveling to SeaTac influenced your involvement
2 with SeaTac Shuttle service?

3 A. Yes, it most definitely did. That's the
4 primary reason I got involved in this venture is the
5 fact that my only option living down in the Coupeville
6 Greenbank area is to drive myself. And I've determined
7 that it cost me \$30 just to drive my car back and forth
8 to SeaTac. That's without parking for so much as five
9 minutes.

10 When I add parking to that, I add the fact
11 that most of my travel recently has been back and forth
12 to Fairbanks and my destination after Fairbanks is a
13 two and a half hours' drive away, I start out with a
14 long drive, I end with a long drive, and I would much,
15 much prefer to have a shuttle available. But there is
16 no shuttle service currently available in the area in
17 which I live.

18 Q. So as a frequent traveler to SeaTac is
19 there a shuttle service that serves your needs?

20 A. No, as I said there is nobody down in my
21 area. The only existing shuttle service that would
22 begin to address my situation is the Wickkiser
23 Airporter, and that's 35 minutes north of my current
24 location. And that would take me an additional three
25 and a half hours travel time on top of my getting to

0215

1 Oak Harbor to catch it.

2 Q. Have you ridden on the Airporter Shuttle?

3 A. Yes, I have; however, I had a relative
4 drive me to Mount Vernon to do it because it was just
5 way too much time involved to start out in Oak Harbor
6 and go to Anacortes and Mount Vernon. So I started out
7 in Mount Vernon and saved 45 minutes to an hour.

8 Q. Have you ever ridden Wickkiser shuttle from
9 Oak Harbor?

10 A. No.

11 Q. How will SeaTac Shuttle service differ from
12 their shuttle service?

13 A. Well, in two respects. First the transit
14 time on SeaTac Shuttle is significantly less than it is
15 on the Wickkiser shuttle. And additionally the route
16 is completely different. And we will be serve --
17 SeaTac Shuttle will be servicing all of Whidbey Island
18 beginning with Oak Harbor following the main highway,
19 State Route 20, down the island to central Whidbey,
20 where it becomes State Route 525 to the Mukilteo ferry,
21 which is a far more direct and expeditious route than
22 driving over Deception Pass to Anacortes and then on to
23 Mount Vernon.

24 Deception Pass is the most traveled stretch
25 of highway I believe in the state. And certainly the

0216

1 Deception Pass bridge is the most visited state park
2 facility in the state of Washington. And traffic there
3 can be a significant bottle neck at times.

4 Q. You heard me testify to our proposed
5 equipment being the Dodge Sprinter van as a change from
6 the original application. Can you expand a little bit
7 upon why we are proposing that van.

8 A. Well, our initial search for vehicles
9 looked at the conventional vans, and that was for a
10 number of reasons. First off they were the most
11 readily available. And, two, because of their length
12 and such they worked well with the ferry.

13 But subsequent to that we found these Dodge
14 Sprinters which have just recently started to be
15 delivered as passenger vehicles. They are a Mercedes
16 product, built in Dusseldorf by Mercedes Benz, and
17 they're imported to the U.S. under the Freightliner
18 and Dodge name plate.

19 They're not a new product in that they've
20 been operated in Europe for quite a few years. Fed Ex
21 is their lead U.S. customer and has ordered 1,900 vans
22 in the past year for service as small package delivery
23 vans.

24 When we looked at the specifications on
25 these, we became pretty excited, and we went down and

0217

1 test drove and examined them and determined they were
2 ideal for our needs.

3 They've got a six foot head room. They
4 have individual seating for ten people with ample cargo
5 room. They have a Mercedes diesel engine that gets 22
6 miles to the gallon, which is significantly better than
7 any other vans that were an option to us. And they
8 have a much higher mileage-between-service interval
9 than a typical van.

10 Q. You heard me testify to the fact that we
11 also have a back-up vehicle. Is that what you
12 understood as being correct?

13 A. Yes, we've got a Chrysler Voyager mini van
14 if you will, passenger configuration, which is not part
15 of our regular service. It will only be pressed into
16 service if we have a mechanical situation.

17 Q. Have you or anyone in the company prior to
18 now been cited for any rules or violations of auto
19 transportation --

20 A. No.

21 Q. -- issues?

22 A. No, I have not, and neither has anyone in
23 or affiliated with the company.

24 Q. Do you have a proposed safety manual?

25 A. Yes, we do.

0218

1 Q. Are you familiar in general with accident
2 reporting rules?

3 A. Yes, I am.

4 Q. What will be the company policy regarding
5 drivers involved in accidents if they are determined
6 to be through their fault rather than not their fault?

7 A. Drivers involved in preventable accidents
8 will receive discipline and most likely be terminated.
9 Anyone that causes an accident through inattention,
10 inability is just not tolerated.

11 Q. How are you going to ensure that your
12 drivers have safe driving records and no records of
13 DUI's and any things that would preclude them from
14 being hired and demonstrate that they are a safe
15 driver?

16 A. As part of the pre-employment screening
17 process our drivers are required to provide us or sign
18 an authorization for us to acquire an abstract of their
19 driving record. Additionally we're a drug-free work
20 place, and all employees are subject to pre-employment
21 drug screening.

22 Q. For experienced drivers what are you going
23 to do as to requirements as to how long they've been
24 driving for and what kind of a clean record they should
25 have?

0219

1 A. Well, all our drivers are going to be
2 required to be experienced inasmuch as our minimum
3 requirement for drivers is ten years consecutive
4 driving through the current date with no DUI's,
5 wreckless driving, hit and runs, any major safety
6 related infractions on their record at any time, no
7 suspensions, revocations. And during the past five
8 years they've got to be action, incident, and violation
9 free.

10 Q. So even though our drivers would not
11 require a commercial driver's license, what additional
12 steps are we going to take regarding the commercial
13 driver's license option?

14 A. All drivers will be required to obtain a
15 commercial driver's license within 90 days of the date
16 of hire.

17 Q. How will you verify information on the
18 applicants that you interview for driving and hiring in
19 the staff office?

20 A. We will conduct individual interviews with
21 each applicant that meets the criteria and we select as
22 possible employees. As I mentioned the driving record
23 abstract also is a part of it.

24 Q. Do our drivers have to have medical exams
25 to be hired?

0220

1 A. No, they do not.

2 Q. How will you ensure that the drivers remain
3 current and legal?

4 A. We maintain a driver's status board, very
5 similar situation to that which we do in the aviation
6 industry. Everybody's current qualifications, dates of
7 expirations on certificates, licenses, and authorities
8 are posted so that as anybody comes up on an expiration
9 date it's readily noticeable. All of this information
10 is also contained within the individual's personnel
11 file.

12 Q. Mr. Rice asked me about the road test
13 provisions of 391 I believe, part 391 if that was
14 correct. What is your understanding of our obligation
15 under that Federal part 391?

16 A. Actually I believe we're exempt from 391.

17 Q. Why are we exempt; do you know?

18 A. I would to have refer to my notes. It's
19 480.30 I believe 95 paragraph 2. It's either that or
20 100 paragraph 2. We are an intrastate commerce only.

21 Q. Okay. You mentioned that we will also have
22 a drug and alcohol abuse policy and verification of
23 compliance with that?

24 A. Yes, we'll maintain a full DOT approved
25 drug and alcohol testing procedure. Once again that

0221

1 was an integral part of my charter business. I
2 institute a program similar to that in any business
3 that I form. I feel that it's a good thing for the
4 public, it's a good thing for me, and it's a good thing
5 for the employees. But this one will be federally
6 sanctioned, DOT approved. It's administered by a drug
7 testing network out of Vista, California, and I have
8 many years experience with them.

9 Q. How are we going to ensure that drivers
10 obey the speed limit and discourage speeding?

11 A. Well, our schedule is set up so that
12 there's ample time to make all the connections so that
13 hopefully shouldn't be an issue. The other thing is
14 that on our driver log sheets, daily trip sheets,
15 they're to fill out the departure time from their
16 departure station, arrival time at the ferry, and
17 arrival time at their destination. So we'll have times
18 in route at the various stops -- major stops.

19 Q. Mr. Rice also asked me about the time in
20 service for the drivers. As I mentioned to him, we
21 fall under the 70 hours in 8 day rule. Can you explain
22 why we would not have any concerns about our time in
23 service?

24 A. Well, we fall under the 70 and 8 because we
25 operate 7 days a week. There's a 10 hours followed by

0222

1 -- preceded by 8 hours rest rule. But as you explained
2 earlier our shifts are all on a -- pretty much aligned
3 along a 6 hour basis, and nobody drives two shifts
4 within a 24 hour period, which is another reason why we
5 have 8 to 10 drivers.

6 Q. And how will we track the driver's time to
7 make sure that they do in fact comply and do not exceed
8 these numbers?

9 A. As I mentioned earlier we maintain a
10 driver's status board. They'll list their total time
11 in service each day on the driver's status board with a
12 weekly total. Additionally their trip sheets go to the
13 dispatcher. The dispatcher maintains a trip file.

14 Q. Can you explain the term 100 mile drivers
15 and how that applies to us or does not apply to us?

16 A. Well, all of our trips are under 100 miles.
17 And I point out that regardless of any routing -- in
18 fact our trip is I believe 85, 86, 87 miles, right in
19 there just off the top of my head. But the 100 rule is
20 measured on an air mile radius basis, so it's a straight
21 line.

22 Q. Will we have written procedures regarding
23 our maintenance program?

24 A. Yes.

25 Q. And how will that be tracked? Similar to

0223

1 aviation?

2 A. Yes. Once again I fall back on my aviation
3 experience; although, all of this was also used in my
4 previous shuttle operations. But the aviation industry
5 is held to a significantly higher standard than the
6 shuttle, so that's kind of what I fall back on.

7 We're going to maintain what is called a
8 cardex system where we identify the various component
9 systems in the vehicles, categorize them, index them,
10 and then the in-service times and interval service
11 times are recorded on those -- on the card system.

12 Also there's a vehicle status board similar
13 to the driver's status board that shows the majority
14 component features, in-service times, and service
15 interval times for each vehicle.

16 Q. What about a vehicle inspection report,
17 the procedures?

18 A. Yes, we'll be doing those; although, there
19 is an exemption for doing BIR's when there is not an
20 incident.

21 Q. How about a pre- and post-trip inspection,
22 how will we handle that with our drivers, and how often
23 will they do that?

24 A. Under the current regulations we're
25 required a pre-trip inspection. We propose to do a

0224

1 pre- and post-trip inspection. I think you pretty well
2 described what is entailed in the actual inspections.
3 The purpose of the pre and post is so that all vans are
4 independently inspected twice before they go out on the
5 road.

6 Q. Will we be training our drivers, and how
7 will we accomplish that?

8 A. Yes, certainly we'll be training them;
9 however, all drivers are expected to have the
10 commensurate skill level to operate the vans before
11 they are hired on with us.

12 Our training will focus on regulatory and
13 safety issues, traffic flows, ferry procedures,
14 terminal procedures, and falling back once again
15 safety, safety, safety.

16 There will be classroom and on-the-road
17 training. Everybody will be making trips along the
18 entire route with myself as training officer to
19 determine that they're safe to accomplish the route.

20 Q. Will you have an employee handler?

21 A. Yes, we will and do.

22 Q. How will you handle reservations for trips?

23 A. Reservations for trips initially are going
24 to be handled -- well, they'll be accomplished as we
25 described earlier via the telephone and hopefully

0225

1 fairly quickly after we commence operations via the
2 internet.

3 But the actual reservation tracking
4 initially will be on an NCR three or four part form so
5 that the driver will have two copies, dispatch will
6 have a copy, and one will be going to accounting, and
7 then they come back from the drivers for cross check.

8 Q. Do you understand that as part of our job
9 we have the burden of proof to show that SeaTac Shuttle
10 is fit, willing, and able to provide service under the
11 authority that we are seeking?

12 A. Yes, I certainly do.

13 Q. Is the company fit?

14 A. I think that we have documented the fitness
15 of the company fairly completely. Both yourself and I
16 have significant business backgrounds. We have
17 multiple college level degrees. Both of us have
18 instructor backgrounds and histories.

19 I have a significant history in
20 transportation-related businesses. And your background
21 in general business lends yourself to being a manager
22 of this or any other small business.

23 Q. While we have not operated a shuttle
24 service in the past, have you or -- have you been
25 involved in businesses where the requirements of

0226

1 reporting and the requirements of safety and how should
2 we say it punishments of violations of safety in your
3 opinion are more severe than would occur in this type
4 of business?

5 A. Yes, as I've stated previously my
6 involvement in aviation, the regulatory oversight in
7 that transportation industry is far greater than it is
8 in a shuttle service, and the penalties are commensurate
9 with that increased regulation. The basic financial
10 penalty for any infraction starts at \$10,000.

11 Q. Is SeaTac Shuttle seeking their authority
12 by requiring Wickkiser International to reduce or
13 terminate their service from Oak Harbor?

14 A. No, not in any way. We perceive this as a
15 supplement -- well, this can be characterized as a
16 supplemental service. The fact that our schedule
17 differs from their schedule in any fashion merely means
18 that the public will have more choices.

19 If they prefer to ride on a bus for three
20 and a half hours to get to the airport an hour earlier
21 than riding on the bus for two and quarter hours and be
22 safely at the airport ahead of their flight, then
23 that's a determination that they'll make.

24 Q. So there is a provision for essentially
25 offering what you would call overlapping authority?

0228

1 witness, so that is in the record and so --

2 THE WITNESS: Okay.

3 Q. Are you aware of any airporter service that
4 has been recently approved by the Commission where
5 there was overlapping service?

6 A. Yes, I am.

7 Q. Could you elaborate briefly on that.

8 A. Just this year in 2003 Wickkiser
9 International Companies sought overlapping authority in
10 the Yakima, Cle Elum area for it's central Washington
11 airporter.

12 Q. Was that application protested by the other
13 company that had the existing service?

14 A. No.

15 Q. Was that application granted by the
16 Commission?

17 A. Yes, it was.

18 Q. Do you have anything further at this time?

19 A. Yes, I would like to point out that - the
20 grounds that Central Washington Airporter sought their
21 authority under was that the existing carrier did not
22 provide direct or convenient service in that they
23 required a change of buses and that their service took
24 longer than that which they proposed, and they
25 prevailed in that.

0229

1 MR. RICE: Your Honor, if I could object
2 again. This sounds like closing argument.

3 THE WITNESS: It's factual information.

4 JUDGE CAILLE: He's responding to his
5 question about the overlapping authority. I'm just
6 going to let him complete this.

7 Go ahead. Are you done?

8 A. No. The argument that Central Washington
9 Airporter made is virtually identical to the argument
10 we make here today. We offer service that does not
11 require a change in vehicles, and we offer expedited
12 service.

13 MR. SOLIN: That's all I have subject to
14 the ability to recall Mr. Lauver after any testimony by
15 the protestant.

16 JUDGE CAILLE: Great.

17 MR. RICE: I have a question. What is the
18 purpose of recalling Mr. Lauver? Ordinarily that does
19 not happen.

20 JUDGE CAILLE: Well, ordinarily the
21 applicant that has the burden of proof also has the
22 last say, so that's the normal course of how we conduct
23 our hearings.

24 MR. RICE: I thought that was only during
25 oral argument, but if that's your ruling.

0230

1 JUDGE CAILLE: No. I'm hoping that we will
2 not have to call them because we are going to have to
3 leave here at 5:00.

4 So we're ready for the cross-examination
5 of --

6 MR. RICE: Yes.

7

8 CROSS-EXAMINATION

9 BY MR. RICE:

10 Q. Is it true that you will be driving buses
11 for SeaTac Shuttle?

12 A. Not as a regular driver but on occasion,
13 primarily as a training driver.

14 Q. Initially though you will be driving the
15 buses, and then sometimes you will be driving --

16 A. I just answered your question as a training
17 driver I will be taking -- going with other drivers. I
18 will be driving on occasion to show them the procedures
19 that I wish. Am I regular driver? No.

20 Q. Who will be driving the buses initially?

21 A. Drivers that we intend to hire under the
22 policies and procedures that I've described.

23 Q. Does that include -- that does not include
24 you or Mr. Solin except in the capacity you just
25 described; is that correct?

0231

1 A. That's correct.

2 Q. Okay. Have you ever had any traffic
3 citations?

4 A. No.

5 Q. Okay. Have you ever been arrested?

6 A. No.

7 Q. Okay. You mentioned that you operated an
8 air charter service?

9 A. That's correct.

10 Q. What was your role there?

11 A. I was president of the company. I was
12 director of operations, which is a position that you
13 must qualify for under FAA guidelines. Somebody with
14 just business experience off the street cannot do that.
15 They have to have significant air carrier experience.

16 Q. I think you answered the question.

17 A. Okay. And I was a pilot.

18 Q. You were a pilot. Okay. So is it true
19 that the FAA regulates air charter service?

20 A. That's correct.

21 Q. Okay. Does the FAA regulate the
22 certificate that you're seeking in this case?

23 A. No, they do not.

24 Q. Okay. You mentioned you operated a hotel
25 shuttle?

0232

1 A. That's correct.

2 Q. Okay. Do you know if the WUTC regulates
3 hotel shuttles?

4 A. In my case it didn't apply because, one,
5 it's out of state, and, two, it was privately owned
6 servicing my hotels with my guests.

7 Q. Do you know whether the rules that govern a
8 bus service like the one you seek to provide, whether
9 those rules are the same or different than the ones
10 that the FAA applies to the air charter service?

11 A. They are different.

12 Q. They are different. Have you ever obtained
13 a charter license?

14 A. A charter license for what?

15 Q. From the WUTC to offer bus service.

16 A. No.

17 Q. Okay. Do you know what one is?

18 A. Yes.

19 Q. You do. Okay.

20 A. And we have not sought a charter license.

21 Q. I understand. You say you're the general
22 manager. You are responsible for managing what
23 divisions of the company?

24 A. I'm sorry?

25 Q. What divisions of the company will you be

0233

1 responsible for managing, all of them or just certain
2 facets?

3 A. As a general manager I will have overall
4 authority over the company subject to policies and
5 procedure discussions with Mr. Solin as president and
6 his handling of financial aspects of the company.

7 Q. You mentioned you were operating a
8 drug-free work place and you -- what work place are you
9 referring to? The SeaTac Shuttle work place?

10 A. SeaTac Shuttle will be a drug-free work
11 place is what I stated.

12 Q. Okay. So you were stating that in the
13 present tense. That's why I was inquiring. This is
14 something that is going to be in effect? That does not
15 exist now?

16 A. The drug program is ready to be implemented
17 upon a phone call. It is all established. All
18 information has been furnished, just --

19 Q. Okay.

20 A. It is not functioning currently because we
21 have no employees other than Mr. Solin and myself.

22 Q. Okay. That was what I was trying to
23 determine.

24 Do you have a copy of your schedule
25 available?

0234

1 A. No but take your best shot.

2 MR. SOLIN: Here you go.

3 Q. We'll have some fun again with this. First
4 of all would you please look at your schedule that you
5 provided today. First of all, when -- would you list
6 -- would you identify the proposed stops you have
7 between Oak Harbor and SeaTac.

8 A. Between Oak Harbor and SeaTac?

9 Q. Yes.

10 A. On this particular copy it is Coupeville,
11 Greenbank, Freeland, Langley, Clinton, the Mukilteo
12 ferry -- I mean the ferry, excuse me, Mukilteo, and
13 SeaTac.

14 Q. Uh-huh. And you estimate, let's see, for
15 van No. 2 departing from Oak Harbor to SeaTac the 8:15
16 a.m. departure arrives at SeaTac at 10:30?

17 A. That's correct.

18 Q. You've allowed -- let's see. If you have a
19 person waiting to be picked up at each of these
20 locations, would that impact your schedule at all?

21 A. Those times are built into the current
22 schedule with the exception of Mukilteo, which we have
23 now removed from our request.

24 Q. So I see --

25 A. As I pointed out, this is a working

0235

1 document, and this particular version does not reflect
2 the fact that we have a stipulated settlement with
3 Shuttle Express which will remove Mukilteo from our
4 schedule.

5 Q. Do you have any other amendments to this at
6 this time?

7 A. Not at this time. This is as John has
8 stated and I will restate a document that we work on
9 constantly given the feedback we get from the general
10 public and the travel agents. We will file a final
11 copy at such time as we are granted authority.

12 This is very close to however that which we
13 will do. The major change that might occur is that we
14 will put on a fifth van, which will -- fifth run, which
15 will change the spacing of the runs somewhat.

16 Q. Okay. You heard me speaking with John
17 about the schedules?

18 A. Yes, certainly did.

19 Q. Okay. We can go through that drill again,
20 or you can say that you agree with me that under the
21 circumstances I described the time between leaving Oak
22 Harbor and your flight leaving is longer on your
23 service than on Airporter Shuttle, but if you want to
24 go through that whole drill, we can do that.

25 A. I will agree that the way you posed your

0236

1 question you could imply that. I will not agree though
2 that that is a reality-based situation.

3 Q. Okay. Well, let's -- well, what do you
4 mean by that?

5 A. I mean that to presume that somebody would
6 pick a flight and then look for a situation where, you
7 know, the Airporter is the most inconvenient for them
8 is not reality. People are going to look and say,
9 well, I can get to the airport by this time, and I
10 choose to travel via this method. What's the best
11 flight for me.

12 Q. You think people --

13 A. And --

14 Q. You think people choose which airporter
15 shuttle they will use first and then select a flight?
16 You think that's common?

17 A. I know in my case when I travel all the
18 times I do to SeaTac every year that I look at the
19 flights and I look at when I can leave, and I put
20 everything together, and I get there the best way I
21 can, which at this point in time is driving my own car.

22 Q. Do you think it's unrealistic that people
23 in Oak Harbor would seek to take a flight out of SeaTac
24 at 10:30 a.m. in the morning?

25 A. No, I don't think that that's unrealistic.

0237

1 Q. I thought you just said that the examples I
2 gave were unrealistic, and that was one of the examples
3 I gave?

4 A. No, that isn't -- what I'm getting at is
5 that to lock somebody down and say the only flexibility
6 they have is in their shuttles, and they only have one
7 option to fly isn't realistic. I also think that in my
8 personal case I'm not interested in sitting on a van
9 for three and a half hours even if I lived in Oak
10 Harbor, and it was accessible to me. I would rather
11 drive my car.

12 If a shuttle was available, I would take
13 the shuttle. And I'm far more comfortable. And I
14 think given the situation with TSA and security today
15 that people would rather be on the shuttle a shorter
16 time and sit at the airport an extra hour and know that
17 they're going to get through the security lines than
18 ride three and a half hours on a van, so they can get
19 there an hour closer to their flight time.

20 We just had a two hour situation with a
21 back-up here at SeaTac over the past two days, and
22 literally thousands of people according to the news
23 missed their flights because of it.

24 So if it's a toss-up between do I ride on
25 the van for a long time, or do I sit at the airport a

0238

1 little longer, yeah, I think people would rather sit at
2 the airport a little longer because they know they're
3 there. They're going to catch their flight.

4 Q. You know some of the -- you heard some of
5 my examples this morning?

6 A. Yes.

7 Q. Okay. And the times were in some cases
8 four hours longer that people would wait. Sometimes it
9 was overnight. Do you think that people would prefer
10 that over the Airporter Shuttle examples I gave?

11 A. I do. And the reason is, one, my personal
12 experience, and, two, the testimony of some of the
13 others here. I'm not interested in starting my journey
14 at 3:50 a.m. I don't care what the circumstances are.

15 I would much rather go down to SeaTac the
16 night before and spend the money on a motel and show up
17 at the airport at 7:00 a.m. and catch any flight.

18 Q. Well, let's talk about this. We're talking
19 about now going from Oak Harbor to SeaTac. Let's
20 imagine a situation where someone is arriving at
21 SeaTac -- and I believe you've got the scheduled in
22 front of you.

23 A. Right.

24 Q. I arrive at SeaTac -- I have a choice of
25 airporters. I arrive at SeaTac at twelve o'clock noon.

0239

1 Which Airporter Shuttle bus would I take? If you would
2 please reference those schedules. I'm arriving at noon
3 at SeaTac going back to Coachman Inn.

4 A. Okay. SeaTac. Well, we would go out at
5 4:00, and realistically Wickkiser would go out at 3:00.

6 Q. Why is it three o'clock if there's a one
7 o'clock Airporter Shuttle?

8 A. It's been my experiencing at SeaTac that
9 they frequently take as long as 40 minutes to get my
10 bags, and then I have to go across to Island 2 to catch
11 any kind of transportation. So I wouldn't count on
12 catching the one o'clock necessarily.

13 And if I'm sitting in the back of the bus
14 on the airplane, and it takes me ten minutes to get off
15 the airplane, ten minutes to walk to baggage, one
16 o'clock is a maybe. It's definitely just a maybe.

17 Q. Do you have any -- since you've been
18 researching in connection with your shuttle service,
19 have you ever done any kind of surveys like that to
20 figure out how long it takes people to get from, say,
21 popular flight times so that you pick them up when
22 they're ready because flights do tend to cluster during
23 the day?

24 A. Yes, and that's why I said that ours is a
25 working document. We've already adjusted it once

0240

1 according to the feedback we've gotten and the
2 investigations we've done with the flight schedules at
3 SeaTac. And they may require further adjustment.

4 MR. RICE: I'm going to review my notes for
5 a second.

6 That's all I have.

7 JUDGE CAILLE: All right. Ms. Tennyson?

8 MS. TENNYSON: Nothing.

9 JUDGE CAILLE: Any redirect?

10 MR. SOLIN: I don't believe so.

11 JUDGE CAILLE: Okay. You're excused.

12 Let's take five minutes.

13 (Short recess.)

14 JUDGE CAILLE: Back on the record. We're
15 back on the record after a very short recess.

16 And, Mr. Rice, will you call your first
17 witness.

18 MR. RICE: Yes, I would like to call Jo
19 Balda.

20 Whereupon,

21 JO BALDA,

22 having been first duly sworn, was called as a witness

23 herein and was examined and testified as follows:

24 JUDGE CAILLE: And, Ms. Balda, if you will

25 please state your name and spell your last name for the

0241

1 record.

2 THE WITNESS: It's Jo Balda, B A L D A.

3 JUDGE CAILLE: Just to let you know just
4 because you haven't been in the room, I'll ask you to
5 please wait until the question -- the questionnaire has
6 completed the question before you start answering
7 because the court reporter can't record two people at
8 once.

9 All right. You may proceed.

10

11 DIRECT EXAMINATION

12 BY MR. RICE:

13 Q. Thank you for coming by today. Where do
14 you live presently?

15 A. Oak Harbor.

16 Q. Okay. And where do you work now?

17 A. Key Bank.

18 Q. Key Bank. What is it that you do there?

19 A. Public relations.

20 Q. Public relations. Do you -- how often do
21 you travel from Oak Harbor to SeaTac?

22 A. I haven't done it this year yet, but in the
23 past I have gone, oh, a couple times a year probably,
24 at least three times.

25 Q. When you go to SeaTac, do you originate

0242

1 usually in Oak Harbor or in other locations?

2 A. From Oak Harbor.

3 Q. Okay. What time do your flights usually
4 take off at SeaTac, or is it variable?

5 A. It'S variable.

6 Q. Uh-huh. Have you ever used -- do you know
7 what an airporter service is?

8 A. Yes.

9 Q. Have you ever used one?

10 A. Yes, I have.

11 Q. Which airporter service did you use?

12 A. Belair.

13 Q. Belair Airporter Shuttle?

14 A. Uh-huh.

15 Q. Did you take them from -- did you take
16 Airporter Shuttle from Oak Harbor to SeaTac?

17 A. Yes.

18 Q. Okay. How many times have you done that?

19 A. Oh, about three or four times I think.

20 Q. Okay. And was your experience on Airporter
21 Shuttle satisfactory to you?

22 A. Yes. Yes, it was very satisfactory. I
23 have no problems.

24 Q. Okay. Good. So it was on time?

25 A. Yes.

0243

1 Q. And was it safe?

2 A. I'm here.

3 MR. RICE: That's all I have until redirect.

4 JUDGE CAILLE: All right. Any

5 cross-examination of Mr. Ms. Balda?

6 MR. LAUVER: Just very briefly.

7 CROSS-EXAMINATION

8 BY MR. LAUVER:

9 Q. When did you get asked to testify?

10 A. At the Chamber of Commerce luncheon last
11 Thursday.

12 Q. Last Thursday?

13 A. Uh-huh.

14 MR. SOLIN: Do we have the date on what
15 that would be? June --

16 THE WITNESS: 20, 19.

17 MR. SOLIN: It looks like the 19th.

18 Q. You said that you were satisfied with your
19 ride on the Belair shuttle. You got there safely. Got
20 you there on time. Ride was reasonably comfortable. If
21 however instead of riding the Belair shuttle you could
22 have caught a shuttle that took you straight to SeaTac
23 in an hour and a half less time and didn't require you
24 to change your vehicles over in Mount Vernon, would you
25 find that a little bit more attractive?

0244

1 A. Probably would, uh-huh.

2 MR. LAUVER: All right. Thank you. That's
3 all.

4 MR. CAILLE: Anything further?

5 MR. RICE: Yes, very quickly.

6

7 REDIRECT EXAMINATION

8 BY MR. RICE:

9 Q. If you had a choice between two airporter
10 services, one of which offered more round trips than
11 the other, would that make a difference in choosing
12 which airporter service to use?

13 A. I would think so because if there were more
14 choices, I would be able to pick a time more convenient
15 perhaps.

16 Q. Would that allow you to get to the airport
17 at a time closer to your flight potentially?

18 A. Probably it would, uh-huh.

19 Q. If for some reason Airporter Shuttle either
20 cut back or eliminated its service all together, do you
21 think that that would be good or bad for the traveling
22 public?

23 A. I think it would be bad, uh-huh.

24 MR. LAUVER: We've not established any
25 qualifications for her to comment on the traveling

0245

1 public in general.

2 JUDGE CAILLE: I'll take that under
3 advisement. We weigh all this evidence before making a
4 decision so -- and that's one of the things I will
5 consider.

6 MR. RICE: I have no further questions.

7 MR. LAUVER: May I ask one, or are we done?

8 JUDGE CAILLE: You can if it's a follow-up
9 to what he has just crossed on.

10 MR. LAUVER: Just one question on a
11 follow-up.

12 JUDGE CAILLE: Yes, you may.

13 MR. LAUVER: Thank you.

14

15 RE-CROSS-EXAMINATION

16 BY MR. LAUVER:

17 Q. Is the frequency that a particular shuttle
18 service offers as mentioned by Mr. Rice the only factor
19 that you take into account when you plan a trip from
20 Oak Harbor by shuttle to the airport?

21 A. When I take trips to SeaTac, my travel
22 agent generally takes care of all the details and fits
23 it into whatever schedule is convenient all the way
24 around.

25 MR. LAUVER: Thank you.

0246

1 MR. SOLIN: That's fine. Thank you.

2 MR. RICE: I have one thing that is direct
3 follow up to what they are now asking.

4 JUDGE CAILLE: All right.

5

6 REDIRECT EXAMINATION

7 BY MR. RICE:

8 Q. Do you have anything in your background or
9 professional associations that gives you any knowledge
10 of the general public's need for airporter service?

11 A. Well, I would say yes, that the business
12 people have a need. And especially with the traffic
13 anymore that it's so much easier to let someone else
14 drive for you rather than having to fight the traffic.

15 Q. Do you -- how do you have associations with
16 other business people? How do you meet them?

17 A. What was the question?

18 Q. You mentioned that you had some business
19 associations that gave you an idea about the needs
20 of the traveling public. I was curious how you made
21 those business associations. Are you a member of any
22 groups, Chamber of Commerce perhaps?

23 A. No, I can't think of anything offhand.

24 MR. RICE: That's fine. That's all I have.

25 MR. LAUVER: Nothing.

0247

1 JUDGE CAILLE: All right. You're excused.

2 Thank you very much for coming.

3 If you'll call your next witness, Mr. Rice.

4 MR. RICE: Yes. I'm going to need a moment
5 to get my exhibits out if you don't mind.

6 I would like to call Larry Wickkiser to the
7 stand.

8 Whereupon,

9 LARRY WICKKISER,
10 having been first duly sworn, was called as a witness
11 herein and was examined and testified as follows:

12 JUDGE CAILLE: Mr. Wickkiser, if you'll
13 please state your name and spell your last name for the
14 record.

15 A. Larry Wickkiser, W I C K K I S E R.

16 JUDGE CAILLE: Go ahead, Mr. Rice.

17 MR. RICE: Thank you.

18

19 DIRECT EXAMINATION

20 BY MR. RICE:

21 Q. Please tell me what your current employment
22 is.

23 A. I'm president of Wickkiser International
24 Companies doing business as Airporter Shuttle and
25 Belair Charters.

0248

1 Q. And can you give me an overview of your
2 airporter experience starting with -- well, I'll let
3 you provide the overview.

4 A. Started working at Airporter Shuttle with
5 my father in 1985 as a driver. My father was a World
6 War II Korea and Berlin air lift pilot veteran and
7 commercial pilot for 40 years. And we started off as
8 drivers both of us driving the airporter trips.

9 I drove over 2,000 trips to SeaTac first
10 probably 10 to 12 years and over a period of time was
11 marketing manager and other various positions and moved
12 up into sole proprietor in 1993 over the corporation,
13 corporate stockholder.

14 Q. When did you acquire the Oak Harbor to
15 SeaTac run?

16 A. That was in 1993. We started that service
17 June 1st, 1993.

18 Q. How many years total would you say then you
19 have been involved in the airporter industry?

20 A. Eighteen years.

21 Q. Eighteen years. Do you have any membership
22 in any professional associations involving airporter
23 service?

24 A. I've been a board member of the Washington
25 Airporter Operators' Association for probably six or

0249

1 seven years. I've been on the board of the Northwest
2 Motorcoach Association. I'm a member of the Association
3 of Ground Transportation Operators -- that it --
4 American Ground Transportation Operators Association --
5 AGTA and a member of the UMA, United Motorcoach
6 Association, and the American Bus Association.

7 Q. Based on your experience that you've gained
8 over those 18 years, do you think you have an
9 understanding of how to run the airporter business?

10 A. I believe I do.

11 Q. Are you familiar with all aspects of
12 Airporter Shuttle's operations?

13 A. Yes, I am.

14 Q. And are you familiar with market demand for
15 airporter service in the areas Airporter Shuttle
16 services?

17 A. Yes.

18 Q. And are you familiar with the different
19 types of public transportation in the areas Airporter
20 Shuttle service?

21 A. I am very familiar with that, yes.

22 Q. Let's discuss Airporter Shuttle beginning
23 with their management. Who will be managing Airporter
24 Shuttle?

25 A. I'm president and certainly responsible for

0250

1 all of the areas of responsibility. My general manager
2 is Richard Johnson, and he is in charge of all the
3 day-to-day operations, drivers, the vehicles, marketing.

4 Q. How many years does he have in sales and
5 management?

6 MR. LAUVER: Your Honor, we're willing to
7 stipulate to the fact that Mr. Wickkiser is eminently
8 qualified to run an airport shuttle experience and has
9 an experience level commensurate with the operations
10 he's conducting if that will speed up this procedure.

11 MR. RICE: I actually think it's important
12 to go through his expertise. We are doing that for the
13 purpose of creating a contrast between the protestants
14 and the applicant, so it's not enough just to stipulate
15 to it in my opinion.

16 JUDGE CAILLE: Well, I'm afraid we'll have
17 to continue.

18 Q. You mentioned Richard Johnson. How long
19 has he been with Airporter Shuttle?

20 A. Four years.

21 Q. And how many years does he have in sales
22 and management experience?

23 A. I believe he had five to ten years prior to
24 that.

25 Q. Who is your maintenance manager?

0251

1 A. Tom Stewart is a -- has been with us three
2 years and has -- was a senior master chief petty
3 officer in the Navy for 30 years with aviation wing and
4 is in charge of our four full-time mechanics.

5 Q. Who is your marketing manager?

6 A. Catherine Sheard.

7 Q. And what is the address where Airporter
8 Shuttle is located?

9 A. We are located in Ferndale at 1416 White
10 Horn Street and as well we have a branch office in Oak
11 Harbor.

12 Q. What are your facilities at the Ferndale
13 location?

14 A. We have an acre and three-quarter yard with
15 a 7,200 square foot office and shop facility. 2,400
16 square feet of that are office, and the balance is shop
17 and wash bay and inventory parts, storage.

18 Q. All right. Let's discuss the services that
19 Airporter Shuttle provides.

20 MR. RICE: I would now like to -- let's
21 see. I have a document I would like to present if I
22 can approach.

23 JUDGE CAILLE: This is the one thing I'm
24 going to have to ask them to improve. We need space.

25 Q. Can you identify this document, please?

0252

1 A. This is a copy of our permit C933 that is
2 our WUTC operating authority.

3 Q. What does it entitle you to do or authorize
4 you to do?

5 A. We have passenger and express service and
6 airporter passenger express service. That amounts to
7 airporter service and inner city service.

8 Q. And how long have you had this permit?

9 A. Since 1985.

10 MR. LAUVER: Once again we're willing to
11 stipulate that Wickkiser International has authority to
12 operate between Oak Harbor and SeaTac via Burlington,
13 and they have a duly recognized permit under WUTC.

14 MR. RICE: I believe we have the right to
15 put on our case. And the fact that --

16 JUDGE CAILLE: You do.

17 MR. LAUVER: I'll stop.

18 JUDGE CAILLE: I appreciate your efforts,
19 but they do have a right to put on their case.

20 Since we have this interruption, why don't
21 we identify this exhibit. Let's see. I think -- let's
22 put this on -- it will be Applicant's -- or Protestant's
23 Exhibit 3.

24 (Marked Protestant's Exhibit 3.)

25 JUDGE CAILLE: Okay. Go ahead.

0253

1 MR. RICE: Okay. I would like to offer
2 this into evidence. We haven't been observing that
3 convention.

4 JUDGE CAILLE: Yes. Why don't we wait
5 until they're all in because I have forgotten to do
6 yours as well.

7 MR. RICE: Okay.

8 Q. Could you describe the route that Airporter
9 Shuttle currently uses when providing Airporter Shuttle
10 service to SeaTac.

11 A. Well, we're primarily on I-5.

12 Q. If you would start in Oak Harbor and work
13 your way to SeaTac.

14 A. Oak Harbor. We run Oak Harbor to Anacortes
15 and then Mount Vernon, where we connect to our I-5
16 corridor runs between Bellingham, Mount Vernon, and
17 Marysville and then SeaTac Airport.

18 Q. Why do take that route as opposed to
19 heading south on State Route 20?

20 A. Well, our experience is that it's a narrow
21 two lane road down Whidbey Island. There is often
22 traffic. There's slow traffic. There's two lanes.
23 There's no way to get around.

24 Q. When you say it, you're referring to State
25 Route 20?

0254

1 A. Going southbound on State Route 20 and 525.
2 We had an inner-city service through Seattle ten years
3 ago and did not go to SeaTac. But that service was
4 quite unsuccessful in carrying people to Seattle. And
5 there was -- we had priority boarding on the ferry, and
6 it was -- it -- we just felt like it was still quite a
7 bit of time to run down the ferry and deal with the
8 traffic.

9 The population base in Oak Harbor is
10 smaller than most of the other areas that we serve.
11 It's outlying at the end of a route one way or the
12 other. And we feel like economically we need to go to
13 Anacortes to pick up additional passengers that afford
14 us the opportunity to offer as many trips a day as we
15 do offer in Oak Harbor.

16 Q. Are there more population centers along the
17 northern route than along the southern route?

18 A. Yes, there are.

19 Q. Does that typically mean that you can draw
20 more riders?

21 A. That's correct.

22 MR. RICE: I would like to present another
23 exhibit at this time. This is actually one that I
24 believe that has been marked as Exhibit 1.

25 Q. I'll give you another copy of this. Can

0255

1 you identify what this document is?

2 A. This is our brochure with our schedule and
3 the fares for our Airporter Shuttle service.

4 Q. Could you open it up and look at the trips
5 between Oak Harbor and SeaTac.

6 A. All right.

7 Q. And tell me how frequently your service
8 runs?

9 A. It's basically every two hours from 3:40
10 a.m. to 5:55 p.m from Oak Harbor to SeaTac with service
11 to Anacortes.

12 Q. Why have you chosen to run that many round
13 trips?

14 A. We do customer surveys, formal surveys on
15 the buses, and we talk to travel agents, we talk to
16 people in the community, customers, we're involved with
17 the chambers, visitor bureaus, and various other groups
18 in the communities that we serve, and we ask the
19 question did they -- what did they want, and they
20 consistently have asked for frequency as the one thing
21 that people wanted, more frequency. And so we were
22 able to try and have been able to provide that
23 frequency of service.

24 Q. Why do you think that passengers want
25 frequency of service?

1 A. I think it gives them less waiting time at
2 the airport. And we found that that was a detriment to
3 people riding with us, that they may not wait or mind
4 waiting as long to catch an airplane once they've
5 gotten to SeaTac, but they're very uncomfortable about
6 waiting to get back home after getting off an airplane.

7 Q. So did you -- do you think that this
8 schedule ultimately saves time for traveling customers?

9 A. Absolutely. Our experience is that the
10 more options you give people in a schedule that -- what
11 you can afford to offer, gives them less waiting time
12 and less objections to -- or less reason to have to
13 drive their own car, which apparently is people's
14 alternative in some cases if there's no airplane.

15 I would say that there are -- certainly we
16 deal with airplane service out of Bellingham where
17 there are eight trips a day I believe. And an airplane
18 is obviously a faster route. But if it is -- three
19 times more expensive is not an option for everyone.

20 MR. RICE: I would like to submit another
21 exhibit.

22 JUDGE CAILLE: This is Exhibit No. 4 for
23 identification.

24 (Marked Protestant's Exhibit 4.)

25 Q. Okay. Can you identify what this document

0257

1 is.

2 A. This is a sample schedule comparison that
3 we put together to compare SeaTac Shuttle schedule with
4 the Airporter Shuttle's schedule based on the schedule
5 that we had prior to this afternoon.

6 Q. And I'm not going to go through all the
7 examples, but is it true that what you have here is a
8 comparison of arrival times based on three different
9 flights?

10 A. That's correct.

11 Q. Okay. And these are the same things that
12 -- same flights that we discussed earlier and other
13 witnesses discussed earlier today?

14 A. Yes.

15 Q. Can you see at the bottom of the page
16 there's a description of the time savings available for
17 each --

18 A. Yes.

19 Q. -- departure?

20 This document describes -- compares the
21 schedule based on the -- your current schedule and
22 SeaTac's application which is currently on file with
23 the Commission, but have you seen a revised schedule
24 submitted today?

25 A. Yes, I have.

0258

1 Q. Okay. Does -- how many round trips does
2 that revised schedule propose?

3 A. SeaTac Shuttle's schedule is offering four
4 trips -- four round trips a day.

5 Q. When we were preparing this -- when you
6 were preparing this exhibit, how many round trips did
7 SeaTac Shuttle offer?

8 A. Well, the schedule that we were -- that
9 came with their original application offered four one
10 way trips and no return trips from SeaTac.

11 Q. Do you think that the -- do you think that
12 the time savings -- the time advantage described in
13 this exhibit for Airporter Shuttle is comparable to
14 other time advantages that would be experienced even
15 under this new schedule proposed by SeaTac Shuttle?

16 A. They have I think spaced out their trip.
17 It looked to me just on a quick review that they have
18 an earlier morning trip than originally submitted, and
19 they -- I think they have at later afternoon -- or
20 later evening trip. And so they've spread out the four
21 trips over a little larger area.

22 Q. Will the -- but they don't propose to offer
23 any more round trips at the present time?

24 A. Well, according to what they submitted
25 today, this is what they're offering now. They've

0259

1 stated that they may offer more, but that's --

2 Q. What are the problems you see with offering
3 -- first of all do you see any problems with offering
4 only four round trips a day?

5 A. Well, I think our position is that there is
6 going to be a significant wait at the airport either
7 upon arrival waiting for the airplane to depart or
8 after arrival at the airport waiting for their vehicle
9 to depart.

10 And four trips a day will mean that there
11 are some significant delays prior to either departure
12 to get back to the airport. I think that's a long time
13 to ask anybody to wait. And again our studies have
14 indicated that people would like to have frequency, and
15 we feel like our schedule has offered that over a 24
16 hour period.

17 Q. Does the revised schedule submitted today
18 by SeaTac Shuttle solve the problems that you see with
19 their service?

20 A. I suppose it might solve one, but certainly
21 there are still a lot of holes in their schedule.

22 Q. Okay. Do you think that there's sufficient
23 passenger volume in Oak Harbor to support another
24 carrier like SeaTac Shuttle?

25 A. I do not. Mr. Johnson will speak about it

0260

1 in a little greater detail, but from our studies and
2 the population base we know that there are populations
3 and looking at SeaTac airporters as an industry they
4 carry a certain percentage of the population in the
5 areas they serve. Based on that number you have X
6 number of people to draw from to pay for the trips that
7 you're trying to provide.

8 And I think if we're -- I think what we
9 have here is a predatory situation where we are
10 providing a service, and somebody else is coming in and
11 trying to take the cream from the top of -- from
12 the cream of crop here and split up what we've made a
13 market of and take the best times of the day and take
14 the best pieces of the day.

15 And what we're going to be left with is not
16 14 trips, but the options of -- if we lose the few
17 profitable trips of the day that we have, and we have
18 to share it with somebody, that means that somebody's
19 service is going to be affected, whether it's ours or
20 the other company's.

21 Q. So would you either eliminate service
22 completely to Oak Harbor or cut it in half say for
23 example?

24 A. That's certainly an option we'll have to
25 look at.

0261

1 Q. Okay.

2 A. Oak Harbor by itself again is a rural
3 community. As one of their witnesses, Mr. Brown, said
4 earlier he's not sure how anyone can make a living
5 running an airporter service, and our experience is in
6 Oak Harbor in a rural area we have competitors that
7 weren't mentioned.

8 Kenmore Air runs four times a day out of
9 Oak Harbor. I think somebody finally did mention it.
10 It's interesting that the travel agent didn't know
11 about Kenmore Air.

12 There is a limo service that operates in
13 Oak Harbor that provides direct service if you will and
14 express and whatever else you want to pay for. They're
15 available if somebody wants to pay for the price if
16 they don't want to drive. There's obviously transit
17 that people talked about that you can get for free.
18 There's 17 trips a day from Oak Harbor to the ferry.

19 Q. So -- well, let's take -- let's turn back
20 now to your operations and discuss the equipment that
21 you use.

22 A. Okay.

23 Q. What vehicles do you use to provide
24 airporter service?

25 A. We have 35 vehicles. It's a varied fleet.

0262

1 We have 4 of the actually 15 passenger vehicles with
2 the rear seat removed, so they're 10 passenger
3 vehicles. We use those very rarely. They're just --
4 they're just not used very often, but we own them.

5 We have -- I think there were 15 to 18, 21,
6 24, 28 passenger vehicles that we call mini buses, a
7 variety of options of using those on various trips.
8 And then we have at this point 18 motorcoaches that we
9 use in our fleet for larger loads, charter business as
10 well.

11 MR. RICE: I would like to present another
12 exhibit.

13 JUDGE CAILLE: I'm going to mark this as
14 Exhibit 5 for identification.

15 (Marked Protestant's Exhibit 5.)

16 A. I might mention before you ask, we have
17 -- four of our vehicles are wheelchair equipped.

18 Q. Okay. Can you identify this document.

19 A. This is a copy of our equipment list.

20 Q. Okay. Does it describe the type of vans
21 you have in service?

22 A. Vehicles all together. The different
23 vehicles that we own, yes.

24 Q. Okay. Okay. Let's talk about passengers.
25 How many passengers do you handle a year?

0263

1 A. In 2002 we carried 107,778 passengers on
2 the Airporter Shuttle combined operations.

3 Q. Do you know how many passengers you carried
4 out of Oak Harbor approximately?

5 A. 86,000 -- hundred. 8,600. 86,000 would
6 have been wonderful. 8,600.

7 MR. RICE: I would like to present another
8 exhibit. Some of this unfortunately is not easy to
9 read, but I think the important parts can be read.

10 JUDGE CAILLE: This is a -- looks like an
11 advertisement for the Belair Charters Airporter Shuttle,
12 and it will be marked as Exhibit 6 for identification.

13 (Marked Protestant's Exhibit 6.)

14 Q. Could you please tell me what the document
15 is I jut handed you?

16 A. This is statistics, just some numbers that
17 we put together not necessarily as advertisement but as
18 -- as information that we use with -- just to talk
19 about our business. On the upper left side there were
20 the passenger totals that we've carried by the year
21 since 1985 up to the last year, which was the
22 almost 108,000 passengers.

23 On the right upper side it shows the
24 accumulated passenger totals. In April of 2003, just
25 this past April, we carried the one millionth passenger

0264

1 over the 18 years that we've been in business.

2 And the middle statistic which I think are
3 the most important to this hearing are the 1.46 million
4 miles traveled in 2002, 107,788 passengers, and some
5 charter passengers that we carried as well.

6 And the other two, lower left and lower
7 right, are just the number of -- some statistics on the
8 number of employees and the number -- and what we paid
9 in salary and wages and taxes and UTC and port fuel
10 taxes and whatnot just as a statistic.

11 Q. Okay.

12 A. That's it.

13 Q. Let's discuss your -- do you have any
14 dispatch procedures?

15 A. We have a 24 hour dispatch system. We have
16 based in Ferndale office the Nextel radios to all
17 drivers and management staff, dispatchers talking to
18 the drivers. If they're in Oak Harbor, they call in on
19 the radio when they've clocked in. If they're in
20 Ferndale, they obviously see the dispatcher when they
21 clock in and check their radio talking to the dispatch.

22 As drivers they talk to the dispatch prior
23 to departing their first trip -- their first location
24 be it Bellingham airport or the Oak Harbor area. And
25 then at significant points along our route both east,

0265

1 west, north, and south the drivers are talking to
2 dispatch.

3 As well we use the group setting so that
4 drivers can communicate with each other to advise of
5 converging locations or incidents, accidents that they
6 may see that they can communicate to each other. And
7 we have on the Nextel system also a private line where
8 drivers can talk to each other on something that
9 maybe the public didn't need to be hearing in the back
10 of the bus, so they could advise each other of things.

11 Q. Do you know what a concession agreement is?

12 A. Yes.

13 Q. What is it?

14 A. Particularly in this case I believe it
15 would be the SeaTac Airport concession agreement that
16 they have conditionally given to the operators that
17 they allow into the port.

18 Q. Does Airporter Shuttle have a concession
19 agreement?

20 A. Yes, we do.

21 Q. Let's talk briefly about maintenance. Does
22 Airporter Shuttle handle its own maintenance?

23 A. Probably 95 percent of our maintenance we
24 do ourselves. We can pull engines and transmissions,
25 but we send those out for service so that we can get

0266

1 the warranty by the manufacturers. Some of the other
2 bigger equipment, the alternators, air conditioning
3 compressors, those things are sent out to the
4 providers, but we usually do the pulling in and out.

5 Q. How many employees do you have that are
6 responsible for maintenance?

7 A. We have four full-time mechanics plus the
8 lead maintenance manager.

9 Q. Do you have periodic maintenance procedures?

10 A. Absolutely, we do, the BIR's, pre-trip,
11 post-trip, and some cases mid-trip. Those are
12 submitted to maintenance on the pre-trip prior to
13 departure. They can reviewed by maintenance. And
14 post-trip, those again get to maintenance and are
15 reviewed by the maintenance managers.

16 And they take appropriate action as they
17 need to on a specific basis. But again generally all
18 vehicles have scheduled maintenance procedures and
19 times where by the mile they'll be checked for A
20 service or B service, whichever class of service
21 they're due for.

22 Q. Do you have any procedures for helping
23 disabled passengers?

24 A. We do. We have four lift equipped vehicles.
25 Our drivers are fully trained to be qualified to operate

0267

1 the lifts, operate them in case they electrically don't
2 work, they can operate them manually, and then fully
3 trained in the tie-down procedures, securement of
4 passengers and vehicles, their wheelchairs.

5 Q. Are you currently responsible for
6 implementing a drug and alcohol policy?

7 A. Yes, we have a DOT and actually a Federal
8 Transit Administration level drug and alcohol policy
9 that involves all the drivers. All of our drivers are
10 CDL certified either class C at the minimum or class B
11 for the motorcoach with air brakes.

12 It's just a requirement. Whether you just
13 drive a van, all of our driver's minimum requirement is
14 a class C with the drug and alcohol testing. Managers,
15 dispatchers, and any supervisory personnel in the
16 office are also required to be on the drug and alcohol
17 pool.

18 Q. Would you say you're familiar -- generally
19 familiar with the State and Federal regulations
20 affecting Airporter Shuttle's operations?

21 A. Yes, I would.

22 JUDGE CAILLE: I would like to interrupt at
23 this point. We're really approaching the five o'clock
24 hour, and you have another witness to put on. I don't
25 really think it's really necessary to go through --

0268

1 this is like -- this is like an applicant that you're
2 going through, and he already has his certificate.

3 I really would like you to just focus on
4 the matters at issue here, and that's the differences
5 in -- you know, what you need to prove is that you're
6 -- he's doing business satisfactorily in those areas.

7 And I guess I would like you -- well,
8 perhaps this isn't the witness to do it with, but I
9 would like you to focus on the area of the -- that's
10 not being served and the reason why -- maybe why your
11 witness isn't serving that area.

12 MR. RICE: Which area are you referring to?

13 JUDGE CAILLE: Which would be everything on
14 this island except Oak Harbor.

15 MR. RICE: Okay. That is something that
16 our next witness will be discussing. Larry -- the
17 purpose of Larry's testimony is to show that the
18 Airporter Shuttle service is satisfactory because he
19 observes all these procedures. And then we're going to
20 bring Rich on to discuss in greater detail some of
21 those other issues.

22 JUDGE CAILLE: Okay.

23 MR. RICE: I'm almost done with Larry now,
24 and I think -- but I doubt very seriously we would have
25 time to get to Rich today.

0269

1 JUDGE CAILLE: Well, how much do you have
2 for Rich?

3 MR. RICE: Rich is going to present a study
4 that was conducted about the impact of having an
5 additional airporter service operating out of Whidbey
6 Island, and so that does take a little bit of time to
7 go through it.

8 But it's got a lot of statistical data, and
9 it talks about basically why we're running the route we
10 are doing and why that's in the public interest and why
11 that can't be done the other way.

12 JUDGE CAILLE: It looks to me like what we
13 should do is finish up with this witness. And I'm not
14 even sure if we can finish up the direct examination of
15 this witness and -- I mean cross-examination of this
16 witness.

17 Let's just finish up with direct
18 examination of this witness, and then we'll call it for
19 today. And we'll have to set up something in Olympia
20 because I can't come up here again or -- and I think
21 it's important for the witnesses to be there in person.
22 So why don't we finish up with the direct of this
23 witness.

24 Q. How many million miles did you run last
25 year -- or how many miles did you run last year?

0270

1 A. 1.46 million miles.

2 Q. How many accidents did you have?

3 A. Zero. Zero reportable accidents.

4 MR. RICE: That concludes his examination.

5 JUDGE CAILLE: Okay. I'm sorry, I can't
6 stay any later, and this facility is only open to us
7 until five o'clock. We only asked for it until five
8 o'clock. I think what -- maybe we can select a date
9 here now for continuation of this.

10 The other thing I would like to consider is
11 whether you folks want to brief this or whether you
12 want to do oral argument at the end of this case.

13 MS. TENNYSON: Do you want to go off the
14 record?

15 JUDGE CAILLE: Yes, let's go off the record.

16 (Discussion off the record.)

17 JUDGE CAILLE: We have -- is there any
18 objection to the admission of Joint Exhibit 1,
19 Applicant's Exhibit 2, that was the revised schedule,
20 then the Protestant's Cross Exhibit 1, which was
21 Airporter Shuttle's schedule, Protestant's Cross
22 Exhibit 2, which was the SeaTac Shuttle schedule, and
23 then 3, 4, 5, and 6 were the exhibits that were
24 admitted under Mr. Wickkiser, the permit, the schedule
25 comparison, the equipment list, and the statistics?

0271

1 MS. TENNYSON: I did have at least voir
2 dire and possible objection to Protestant's Exhibits 4
3 and 6, so I won't know until after I ask some questions
4 on it, the schedule comparison in 2000.

5 MR. LAUVER: I probably have objection to
6 No. 4, Protestant's Exhibit 4.

7 JUDGE CAILLE: For right now we will not --
8 I will not rule on those two. Are there any others?
9 Do you have any objection to anything?

10 MS. TENNYSON: I have no objection to any
11 of the others.

12 JUDGE CAILLE: Mr. Rice, the only one that
13 the Applicants have submitted is the revised schedule.

14 MR. RICE: Well, I object to them not
15 submitting it until to the moment that their witness
16 gets on the stand and not providing sufficient notice.
17 I think that's important in conducting these kind of
18 hearings. And I can fully get into that at the next
19 hearing.

20 JUDGE CAILLE: All right. So Joint Exhibit
21 1 is admitted. Protestant's cross Exhibit 1 is -- you
22 know, let's just call this first one Joint Exhibit.
23 It's making it way too hard. Then Protestant's Cross
24 Exhibit 1 is admitted, Protestant's Cross Exhibit 2 is
25 admitted, Exhibit 3 is admitted, and Exhibit 5 is

0272

1 admitted. Exhibits -- Applicant's Exhibit 2 and
2 Protestant's Exhibits 4 and 6 we will discuss when we
3 meet again.

4 Okay. Now I would like to close --
5 continue this matter to a date to be determined, and
6 the court reporter can go.

7 (Admitted Joint Exhibit 1, Protestant's
8 Cross Exhibits 1 and 2, Protestant's
9 Exhibits 3 and 5.)

10 (Hearing adjourned at 4:55 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25