

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TC-121504
)	
SEATAC SHUTTLE, LLC d/b/a)	ORDER 02
WHIDBEY-SEATAC SHUTTLE)	
)	
For a Declaratory Order Regarding the)	ORDER DENYING
Definition of “New Service” as Used in)	RECONSIDERATION
Both Transportation Rule and Code)	
)	
.....)	

BACKGROUND

- 1 The Washington Utilities and Transportation Commission (Commission) entered Order 01 Declaratory Order on November 28, 2012, in response to the Petition of Seatac Shuttle, LLC d/b/a Whidbey-Seatac Shuttle (Seatac Shuttle or Company) for a Declaratory Order pursuant to RCW 34.05.240 on the meaning of “new service” as that term is used in WAC 480-30-301. The Commission concluded in Order 01 that the one business day notice exception in WAC 480-30-301(3) applies only to new *options* and service levels, not to renewals of expired services in their entirety.

- 2 On December 3, 2012, Seatac Shuttle filed a Petition for Reconsideration of Order 01. The Company contends that the Commission “failed to answer the immediate question of the [original] petition, *i.e.*, define the term New Service or New generically as used in both transportation rule and code with specific emphasis on WAC 480-30-301.”¹ Seatac Shuttle maintains that the description in its original petition of the dispute with Commission Staff over the interpretation of WAC 480-30-301 that we addressed in Order 01 “was for illustrative purposes, to show the need for a declaration by the Commission and was not argumentative.”²

¹ Petition for Reconsideration, first page, first paragraph. Seatac Shuttle’s failure to paginate its filing or comply with the requirement in WAC 480-07-395(1)(a) that pleadings include paragraph numbers necessitates using a descriptive form of citation to provisions of that document.

² *Id.*, second page, second full paragraph.

DISCUSSION

- 3 Seatac Shuttle misunderstands the purpose of a declaratory order. The statute expressly requires that a petition for declaratory order “set forth facts and reasons on which the petitioner relies to show . . . [t]hat there is *actual controversy* arising from the uncertainty [necessitating resolution] such that a declaratory order *will not be merely an advisory opinion*”³ Any order the Commission enters in response to such a petition must “declar[e] the applicability of the statute, rule, or order in question *to the specified circumstances*.”⁴
- 4 Order 01 declared the applicability of WAC 480-30-301 to the circumstances Seatac Shuttle described in its Petition for Declaratory Order. The Company’s request that we disregard those facts and provide only generic guidance on terms used in the rule seeks an advisory opinion that RCW 34.05.240 does not authorize the Company to request or the Commission to enter.
- 5 There are other avenues available to Seatac Shuttle for the advice and guidance they seek. RCW 43.05.020 requires state agencies to provide technical assistance to entities subject to the agency’s regulatory authority. The Commission embraces that requirement and makes its regulatory staff available to companies like Seatac Shuttle to discuss issues concerning compliance with Commission rules and requirements. Seatac Shuttle has taken advantage of such informal processes in the past, and we encourage the Company to continue to do so.

³ RCW 34.05.240(1)(b) (emphasis added).

⁴ RCW 34.05.240(5)(a) (emphasis added).

ORDER

6 THE COMMISSION ORDERS that Seatac Shuttle's Petition for Reconsideration is DENIED.

DATED at Olympia, Washington, and effective December 11, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner