

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SHUTTLE EXPRESS, INC.,  
Petitioner and Complainant,  
v.  
SPEEDI SHUTTLE WASHINGTON, LLC  
Respondent.

DOCKET NOS.  
TC-143691  
TC-160516

MOTION OF SHUTTLE  
EXPRESS TO COMPEL  
RESPONSES TO DATA  
REQUESTS

**MOTION**

1 Pursuant to WAC 480-07-425(1) Shuttle Express, Inc. (“Shuttle Express” or “Petitioner”) hereby moves for an order compelling full and complete answers by Respondent SpeediShuttle Washington LLC (“SpeediShuttle” or “Respondent”) to the First Data Requests of Shuttle Express. This motion is based on the attached objections served by Respondent, the accompanying declaration of Wesley Marks in support of the motion, and the records and files in Dockets TC-143691 and TC-160516.

**BACKGROUND**

2 On May 16, 2016, Shuttle Express filed its Petition and Complaint in this docket against SpeediShuttle (the consolidated pleading will be referred to herein as the “Petition and Complaint”). The Petition and Complaint alleged a number of facts that at the application hearing in January of 2015 were not (and for the most part could not be) known, either because they did not exist at the time Respondent was supporting its application for a certificate or were misrepresented or concealed by Respondent during the application proceeding. Shuttle Express

alleged that additional facts and details would likely be revealed in discovery that were not or could not have been considered by the Commission in deciding to grant a SpeediShuttle certificate in early 2015. Accordingly, Shuttle Express sought a right to discovery, which was granted on August 4, 2016. TC-143691 Order 07.

3 Unfortunately, despite the orders of the administrative law judge (“ALJ”) SpeediShuttle has resisted any and all efforts to get all—or even any—of the material facts before the Commission. It started with Respondent’s opposition to rehearing and its motion to dismiss the complaint, which were both denied. TC-160516 Order 01; TC-143691 Order 06. Then Respondent opposed allowing discovery in the case, which was overruled. TC-143691 Order 07.

4 Shortly after Order 07, on August 17, 2016, Shuttle Express served data requests on SpeediShuttle. While those were pending, SpeediShuttle petitioned for administrative review of the TC-143691 Order 06, allowing rehearing. A few days later, Respondent filed its initial responses to the data requests. A copy is attached hereto as Exhibit A.<sup>1</sup> The responses consisted of dozens of objections—one or more objections to each and every single data request. Essentially no data or information was provided whatsoever in response to any of the requests. The respondent offered to provide minimal, partial, responses to request Nos. 2, 5, and 8, just three of the 23 requests by September 30, 2016.<sup>2</sup>

5 The almost Herculean efforts to prevent the facts from being discovered and placed before the Commission in this case are unmistakable. Discovery was ordered and served. The Petition and Complaint is subject to review as to the Petition aspect only. But neither the case nor

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<sup>1</sup> The objections include all the requests, but not the introductory instructions and definitions. A reproduction of those can be found in Exhibit B hereto.

<sup>2</sup> An informal letter from Respondent proposed to provide partial responses to DR Nos. 1, 2, 5, 8, and 13, all by September 30<sup>th</sup>, for a total of 5 of the 23 data requests. Petitioner understands the proposed timing is driven by legitimate scheduling conflicts faced by Respondent’s counsel. While the proposed partial responses are incomplete and unacceptable, the September 30<sup>th</sup> timing is not. However, full and complete answers to all data requests should be provided on or before the 30<sup>th</sup>, not just the very limited and largely useless information as Respondent proposes.

discovery were stayed pending review. Moreover, the Complaint was not dismissed and most if not all the facts sought in the data requests are or could be material to both the Complaint and the Petition. There are no grounds to delay or withhold discovery on a wholesale basis.

6 Importantly, this is not an inconsequential case as Respondent has acknowledged. Speedi has alleged that it has invested “millions” to enter the SeaTac market. Review Petition, ¶¶ 35, 37. One can imagine the stakes are equally high for Shuttle Express. And the public interest is placed at risk in a number of ways, especially to the extent Respondent may be subsidizing a money-losing service in order to cripple the long-time operator. This case deserves a full hearing and full discovery to support it. Allowing discovery obfuscation or cutting corners would serve neither the parties nor the long-term public interest.

### **DISCUSSION**

#### **I. The First Data Requests are Targeted to the Issues of This Case, Which are Necessarily Broad.**

7 The scope of the discovery in the attached data requests may seem broad at first blush. But upon close examination, each question is targeted to a specific fact or issue that could be one or more of the deciding factors for the Commission in its final order. The scope of the facts is inherently broad due to two factors.

8 First, the Commission’s decision must and will ultimately be guided by the public interest. *See, e.g.,* RCW 80.04.040. The public interest standard is a broad standard which gives the Commission numerous tools based on innumerable factual combinations and scenarios.

9 Second, the Commission’s grant of a competing auto transportation certificate to SpeediShuttle was based on a broad range of facts and alleged distinctions between what it proposed and the services of Shuttle Express. For example, TC-143691 Order 02, which the Commission affirmed, held “that no one feature distinguishes Speedishuttle’s proposed service from Shuttle Express’s existing service.” *See* TC-143691 Order 04, ¶ 20 (emphasis added). Moreover, TC-

143691 Order 04 found that, “the totality of these features demonstrate that the proposed service uniquely targets a specific subset of consumers....” *Id.*, ¶ 21 (emphasis added).

10 Based on new facts and recent discoveries, most of the numerous proffered “distinctive” features are now called into question by the Petition and Complaint. The now-questioned features include the supposed “entire demographic” of unserved passengers who are: tech-savvy non-English speaking; needing greeters, “individually-tailored” customer service, or tourism information; needing Wi-Fi service; needing a TV set. *See generally* orders in Docket TC-143691.

11 It is important to understand that all the features based on greeters and some of the other findings inherently relied on testimony that *all* Speedishuttle customers are greeted, escorted to baggage claim, and then escorted to their shuttle, presumably by a multilingual greeter. TC-143691 Order 02 ¶ 6. But there is no possibility of a greeter for “walk up” passengers.<sup>3</sup> Thus if the Respondent had not testified that it would not carry walk up passengers, many of the findings of distinctive features either could not have been made or would have had to have been qualified in some way.

12 Further, the ALJ identified a supposed 20 minute departure “guarantee” by SpeediShuttle as a distinguishing feature. TC-143691 Order 02, ¶ 15. That “guarantee” now appears to be non-existent today and may have been false or illusory when proffered. *See, e.g.*, Exhibit A, DR No. 7.

13 TC-143691 Order 02, also seemed to find that an increase in SeaTac air passengers without a corresponding increase in door-to-door shuttle passengers also showed that Respondent’s service would be different. *See* TC-143691 Order 02 ¶ 18. It can now be conclusively shown that the overall number of door-to-door ground passengers has *decreased* since Respondents’

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<sup>3</sup> And public evidence suggests there has been no meaningful effort to hire multi-lingual greeters or airport kiosk personnel.

entry into the market. This new fact suggests that the represented or assumed “different” services offered by Respondent have not improved—and may have harmed—the overall service to the public.

14 And finally, the Commission relied in part on certain lower fares offered by Respondent. Evidence available publicly suggests those fares may be below cost, but full financial statements would provide a much better picture to the Commission of whether SpeediShuttle is somehow more efficient or rather is pricing predatorily in the short run to the long-term detriment of the public.

15 Because the Commission relied on the “totality” of features, specifying that “no one feature distinguish[ed]” the applicant, it is impossible at the discovery phase of the proceeding to know which or how many features Shuttle Express must demonstrate were false, exaggerated, or even just miscomprehended in 20/20 hindsight. How many of the features and supposed differences must be successfully questioned before the Commission finds it appropriate to order some relief? Given the breadth of the Commission’s prior orders, to develop a reasonably complete record on which the Commission can rely, facts are needed on all the alleged issues. The ALJ appropriately found that discovery is needed in a case such as this. That order should not be thwarted by ill-founded objections that would permit Respondent to withhold nearly all the material evidence.

**II. The Parties Attempted to Resolve or Narrow the Discovery Dispute Informally, With Only Modest Success.**

16 The objections to the data requests were served on August 31<sup>st</sup>. On September 2<sup>nd</sup>, Shuttle Express asked to schedule a “meet and confer” pursuant to WAC 480-07-425(1). On September 5<sup>th</sup>, Shuttle Express sent a written informal response to Respondent that addressed objections at both a high level and on a request-by-request basis to set a foundation for a call.

17 The parties were able to coordinate time for a meet and confer by telephone on September 9<sup>th</sup>. Despite their good faith efforts, no agreement was reached. However, counsel for Shuttle Express did gain a better understanding of the scheduling conflicts of Respondent's counsel which led to the proposal to provide limited answers by September 30<sup>th</sup>.

18 Despite September 30<sup>th</sup> being about six weeks after data requests were served, in part because of counsel's scheduling conflicts, Petitioner does not seek answers to those requests before September 30<sup>th</sup> by this motion, narrowing the motion somewhat. The timing of the answers to the remaining data requests will overwhelm any overall case scheduling concerns in any event. Therefore, with allowance for time to rule on this motion to compel, the timing of the agreed upon answers is likely to coincide with further answers ordered pursuant to this motion. September 30<sup>th</sup> will work if there are not further extensive delays.

### **III. The Objections are Improper and Inconsistent with WAC 480-07-400 et seq.**

19 It is difficult to craft a concise motion to compel when all data requests are objected to and almost zero information has been provided. Shuttle Express will endeavor to discuss every request at least briefly and also discuss certain blanket objections. However, under the circumstances it may be beneficial for the ALJ to conduct a telephonic hearing pursuant to WAC 480-07-425(1) after Respondent answers this motion to review any specific requests or objections that may be unclear or could benefit from a request-by-request review.

20 Under WAC 480-07-400(3), "A party may not object to a data request on grounds that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence." The tone and tenor of nearly all the objections ignores this fundamental test of whether discovery is proper versus objectionable. Instead, once again, Respondent submits something more appropriate to a final, post-hearing brief. The objections argue the substantive merits of the case. But the scope of

discovery is not limited by Respondent's theory of the case. If it is "reasonably calculated" to lead to discovery of evidence the Petitioner might want to introduce, then the question is within the proper scope of discovery, even if Respondent will argue at trial that it is irrelevant. *See, e.g., Bushman v. New Holland Div. of Sperry Rand Corp.*, 83 Wash. 2d 429, 434, 518 P.2d 1078, 1081 (1974) ("[A]ny matter which is or may become relevant to the subject matter of the action should be allowed").

21 First, the most common objection interposed is that the request is "burdensome." But because Shuttle Express is in the same business, uses some of the same data systems, and has been in at least one of the same groups, it knows for a fact that some of these claims are false or exaggerated. Perhaps the best example of this are the services and systems provided by a company known as the "Hudson Group." ("Hudson") As Respondent admits, both Shuttle Express and SpeediShuttle use Hudson to book and track reservations and trips. Thus, Shuttle Express knows what kind of data SpeediShuttle enters into the Hudson system and what kind of data summaries or reports are routinely or easily available. Also, until recently, Shuttle Express was a member of the "Go Group," which handles bookings for its members. Some of the Hudson and Go Group capabilities are discussed in more detail in the Wesley Marks Declaration.

22 An example of Hudson data are the date and time stamps, which track most or all of the data sought in DR No. 6. Below are screenshots of two of the Hudson screens for a door to door trip. This one shows the time stamps that are captured for each passenger:

Internal ID	4963027	
	Time	Value
	Orig pickup	10:30 AM 09/01/16 (Thu)
	Soon To Go	
	Ready To Go	10:18 AM 09/01/16 (Thu)
	On board time	10:30 AM 09/01/16 (Thu)
	Drop off time	11:19 AM 09/01/16 (Thu)
	Scheduled	No
	Trip Status	Complete 4524018
	Driver	4588 TAITANO, RICHARD
	Vehicle	1215

This one shows the audit history in the system:

Date	By	Field or event	Old value	New value	Addl. information
09/01/16 11:19	UTIL	Cash Recon Payment ID	Not collected	Collect current leg	Dispatch change
09/01/16 11:19	UTIL	Trip status	On board	Complete	Dispatch change
09/01/16 11:19	UTIL	Remote action	Reservation complete	Driver: TAITANO, RICHARD	
09/01/16 10:30	TonyB	Onboard TOD		9/1/2016 10:30:46 AM	Dispatch change
09/01/16 10:30	TonyB	Trip status	Dispatched	On board	Dispatch change
09/01/16 10:18	TonyB	Vehicle ID		1215	Dispatch change
09/01/16 10:18	TonyB	Driver ID		TAITANO, RICHARD	Dispatch change
09/01/16 10:18	TonyB	Trip status	Ready to go	Dispatched	Dispatch change
09/01/16 10:18	TonyB	Trip ID	0	4524018	Dispatch change
09/01/16 10:18	EricaB	Trip status	Not routed	Ready to go	Dispatch change
09/01/16 10:18	EricaB	Ready to go date/time		09/01/16 10:18 AM	Dispatch change
09/01/16 10:18	EricaB	Pickup date/time	09/01/16 10:30 AM	09/01/16 10:18 AM	Dispatch change

The information is entered, tracked, and retained for every passenger and every trip. At any time that a carrier wants, it can easily run a report on any of numerous parameters or stored data using the Hudson system. In fact, Shuttle Express has, at times, run regular reports on its own wait times to help ensure it met its own internal goals. Far from being “burdensome and oppressive” as alleged in Respondent’s objection, the statistical data is relatively easy to generate and can be done routinely in the ordinary course of business.

23 Furthermore, SpeediShuttle’s booking website was created by, and is maintained and hosted by, the Hudson Group. As discussed in the Marks Declaration, Shuttle Express can tell this based on the links and its own experience with Hudson Group services. Hudson Group created multiple iterations of the SpeediShuttle website and the links on SpeediShuttle website go to the Hudson Group webpages. So the Hudson Group will capture the data of every single non-English booking on the SpeediShuttle website. And moreover, as discussed above, like

the time stamps, the bookings are tracked routinely by the Hudson Group software and made readily available to SpeediShuttle in a statistical or summary form. Accordingly, information on bookings in languages other than English should be readily available and tracked, based on the website used to book through, and statistics are in no way “burdensome” to provide.

24 As another example, Go Group is an admitted “wholesale travel customer” of SpeediShuttle which actively promoted Respondent’s application to compete with Shuttle Express, after Shuttle Express terminated its franchise agreement with Go Group. Exhibit A, DR No. 18 and Application, Dkt. TC-143691. Because of that termination the Go Group would have lost significant revenue in the Sea-Tac market, as a result of its credit card fee structure for Go Group franchise members. It receives a percentage of all of its own third party ticket agents’ sales as well as of retail credit card bookings of its members.<sup>4</sup> By replacing Shuttle Express with SpeediShuttle at Sea-Tac, it has successfully replaced much of that lost income. But because Go Group gets paid on a percentage basis, it would have been motivated to transition as much of the retail and wholesale (third party ticket agent) business as possible from Shuttle Express to its new client, SpeediShuttle.<sup>5</sup> Because it is known that Go Group actively supported the application, it is likely that contemporaneous correspondence would show the parties’ true intentions regarding the proposed service. The documents sought are in no way “irrelevant” and therefore production should not be unduly burdensome.

25 Next, three of the responses objected that the discovery is “premature.” See objection to DR Nos. 1, 2, and 11. It is unclear if that objection extends to all of the requests or more of them

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<sup>4</sup> Shuttle Express attempted to negotiate a new third party ticket agent agreement with Go Group, to no avail. Marks Decl. ¶ 8.

<sup>5</sup> This is a big part of why communications with Go Group are important. It is very likely that Go Group would have discussed the scope of SpeediShuttle’s contemplated operations in correspondence, such as emails. The private emails from early 2014 would provide a much more candid look into whether Respondent truly planned to provide a “different” niche service to tech-savvy, non-English speaking, tourists in need of greeters, as opposed to providing a replacement to existing service due to failed third party ticket agent agreements. The pre-application emails could well show that SpeediShuttle always intended to grab as much of the existing Shuttle Express traffic as possible, including walk up passengers. Certainly Go Group would have encouraged the broadest possible application, to maximize its fees.

beyond the three explicit “premature” objections. But it seems to be a recurring theme. *See* objection to DR No. 9. This objection is improper. There has been no stay of the case. Respondent did not ask to stay discovery, and no stay of discovery has been ordered. Most importantly, the discovery is relevant to the Complaint, which is not subject to the review petition. There is a great deal of overlap of the facts supporting the Complaint and the Petition. So even were the Commission to grant the review petition, in whole or in part, that would not render much if any of the discovery immaterial the case.

26 Finally, a large number of the objections were based on data being “proprietary.” All of these objections are improper and utterly unsupported by the Commission’s rules. *See* WAC 480-07-400 *et seq.* Under the analogous Superior Court discovery rules, it is taken for granted that confidential information is discoverable. *See, e.g., Dreiling v. Jain*, 151 Wash. 2d 900, 917 (2004).<sup>6</sup>

27 The Respondent sought to become a “public service company” in Washington. In so doing, it submitted to the laws of the state and the jurisdiction of the Commission. While public service companies do not always like it, they have obligations to submit sensitive data annually and at other times, including tariff filings and adjudicative proceedings. The Commission has been loath to either allow withholding of important data and has not been able to protect it from possible public disclosure. *See* Order 04, Dkt. TE-151906 (Nov. 30, 2015). The obligation to produce data is part of the cost of doing business as an auto transportation company and is not an excuse to withhold potential evidence.

#### **IV. The Data Requests are Patently Calculated to Lead to the Discovery of Admissible Evidence.**

28 Shuttle Express will briefly touch on each of its data requests. As noted above, given the unusual breadth of the objections and unusual reticence to provide any relevant information, it

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<sup>6</sup> The debates in the courts center around the scope of a protective order, which is not available in this case. *See id.*

is impossible to address everything in detail without consuming many more pages. It is unreasonable to expect Shuttle Express to go to such time and expense at this stage based on repetitive boilerplate objections. It is hoped that the relevance is clear from the context and that the objections are not well-founded from the above general discussion.

- 29 DR No. 1: Employees who work in the market would be those working at SeaTac airport or elsewhere in King Country. Employees who serve the market would be those who support it, such as administrative or call centers in Hawaii. It is unclear if a complete answer will be provided given the objections. It should be.
- 30 DR No. 2: Emails are relevant to the true nature of the planned and proposed service and terms are used in the same sense as in Respondent's application case and the UTC order. It might be possible to limit the request to certain management personnel and possibly narrow the scope, but that is impossible without knowing who is or was responsible for setting up and managing the SeaTac operations. Absent a more scalpel-like objection, the request should be fully answered. There is no great burden. The .PST files should simply be turned over in digital format (to include all metadata) after scrubbing for privilege, if any.
- 31 DR No. 3: Hiring materials are relevant to whether or not any efforts were made to serve tech-savvy non-English speakers by seeking multilingual personnel serving the public in the market. That this would be burdensome, as it was a basis for application is incomprehensible, without more.
- 32 DR No. 4: The objection of burdensome is inconsistent with assertion of no records. This goes to the heart of the issue of the existence of "unserved" non-English speaking travelers. As discussed above, such records that exist or can be readily available from direct vendors should be produced in some fashion.

- 33 DR No. 5: A mere “list of greeters” does not show if all passengers were or could have been greeted. Days and hours worked are needed. Records showing which passengers were/were not greeted is needed. Nor does a list show the extent of multilingual capabilities, if any. A full response is needed.
- 34 DR No. 6: The Hudson system is the same as Shuttle Express uses, so information is known to exist and be readily produced. Further, records and billing received from mobile data carriers should show accurate data (Wi-Fi) usage and which vehicles used data during a billing cycle and would be easy to produce or obtain from the carrier.
- 35 DR No. 7: Respondent uses the same or similar systems as Shuttle Express, so the information is known to exist and be readily producible, not burdensome. As discussed above, the wait times were cited in TC-143691 Order 02 as part of the totality of factors and Order 02 was affirmed by the Commission in Order 04, the final order.
- 36 DR No. 8: It is unclear what information is being withheld, if any. Was Wi-Fi timely installed in all vehicles? Was it turned on at all times? Were there maintenance issues? See also DR No. 6, above.
- 37 DR No. 9: This goes to the heart of the issue of whether Respondent changed its plans or lied when it testified it would not serve “walk up” passengers. This is relevant to both the Complaint and the rehearing Petition and should be answered. As discussed above, certain Commission findings could not have been made if the Commission had known walk up passengers would be carried. Walk ups now appear to comprise a third or more of Respondent’s airport passengers.
- 38 DR No. 10: This is a “contention” data request, which is specifically allowed by Commission rule. WAC 480-07-400(1)(c)(iii) (“data requests seek ... an analysis ... of documents [or] a narrative response explaining a policy, position, or a document”). It is unclear if the answer is

complete. The Respondent should not be able to contend additional facts at the hearing or in briefing that are not disclosed in this response. To do so, it must serve a complete response or, if necessary, serve a supplemental response when able.

39 DR No. 11: This is a “contention” data request that is proper. An answer should be provided. See also DR No. 10.

40 DR No. 12: It is known from public records that Respondent has engaged in significant efforts with the Port and numerous travel groups to compete directly with Shuttle Express for the same demographic of travelers. It is not well known if Respondent has engaged in any efforts to solicit “tourists, tech-savvy, or non-English speaking customers” or provide “individually-tailored customer service, tourism information, and Wi-Fi service.” Further, it is known that the Hudson Group as well as the Go Group service, were assisting and promoting Respondent’s application for entry into the Sea-Tac market. *E.g.*, Application, Dkt. TC-143691.

41 The Chief Operating Officer of the Hudson Group is John Rowley, also a board member of the Go Group, who was a long-time officer of Shuttle Express. *See* <https://www.linkedin.com/in/johnrowleyjr>.<sup>7</sup> Thus, both the Hudson Group and the Go Group were intimately familiar with the market, the current Shuttle Express operations, and the Commission rules about what might be viewed as a “different” service sufficient to obtain a certificate in the territory already served by Shuttle Express. There was almost certainly written communications between the travel groups and Respondent, as well as internal documents, about the contemplated nature and scope of transportation that would be proposed to the Commission and actually provided if a certificate were granted. DR No. 12 is very

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<sup>7</sup> Membership (no cost) or sign in to LinkedIn is required to see the relationship to Go Group.

likely to lead to discovery of admissible evidence relevant to several issues raised by the Petition and Complaint and should be answered in full.

42 DR No. 13: See No. 12, above. The Hawaii market has more non-English speaking tourists and therefore could provide a useful comparison to the King Country market. The request is reasonably calculated to lead to the discovery of admissible evidence. Relevance is not a proper objection.

43 DR No. 14: Continued infusions of loans or capital could indicate pricing below cost. Further, loans that lack normal commercial terms (e.g. below market interest, no collateral, or weak or non-existent covenants) could be evidence of improper subsidies. The request is reasonably calculated to lead to the discovery of admissible evidence. Relevance is not a proper objection.

44 DR No. 15: See DR No. 14 and general comments above. There is no evidence more likely to be admissible on the question of below-cost or predatory pricing than the full financial statements of the operator.

45 DR No. 16: See DR Nos. 14 and 15 and general comments above.

46 DR No. 17: See DR Nos. 12-13, above. This has nothing to do with contentions, as do DR Nos. 10 and 11, and thus those incorporated objections are immaterial. This goes to the important issue of whether Respondent is making reasonable (or any) efforts to serve the “unserved demographic” by providing the allegedly unique service it was proposing.

47 DR No. 18: This request seeks further information to test Respondent’s true intentions in entering the King County market and to serve the previously “unserved” passengers. It is reasonably calculated to lead to the discovery of admissible evidence and should be answered. See also DR Nos. 12, 13, and 17, above.

48 DR Nos. 19 & 20: It is known that Respondent has, and has had prior to entering the King County market, extensive relationships and dealings with Go Group and Hudson Group and likely other wholesale transportation arrangements. The documents sought could well show the Respondent's true intentions and whether or not it expected to serve "unserved" passengers, or merely take existing market share from Shuttle Express. They would also show the nature of passengers actually served since Respondent entered the market. *See also* the general discussion above about Hudson and Go. Not all of the documents are publicly available. Only the ticket agent/wholesale agreements are available from the Commission. Franchise agreements or anything that is not required to be filed with the Commission can only be obtained with discovery. And it is questionable that documents can be as easily obtained by Shuttle Express via a request for public records as by Respondent simply putting a copy on a CD-ROM.<sup>8</sup> The Respondent knows what documents it has, whereas Petitioner is supposed to guess and hope the agency can find them. Further, the Respondent should not expect the Commission (or the Port, either) to do its work for it. The documents are highly relevant and should be produced.

49 DR No. 21: The request is reasonably calculated to lead to discovery of admissible evidence and a good faith effort to timely respond should be made. *See also* DR No. 20, above.

50 DR Nos. 22 & 23: *See* DR Nos. 19 & 20, above.

### **CONCLUSION**

51 Respondent has put Shuttle Express and now the Commission to a great deal of effort to obtain information that should have been readily and voluntarily provided. In addition to the cost, the delays may jeopardize the scheduled February 1, 2017 hearing date. This would be highly

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<sup>8</sup> The Commission responds to public records requests reasonably promptly. The Port has taken months to respond to the Shuttle Express records requests. It is still uncertain today if they have completed their review and production of requested documents.

prejudicial to Shuttle Express. The travel business is seasonal and an undue delay in the hearing could mean that any relief afforded could come after the 2017 summer travel season. Respondent must know this. Any and all attempt by Respondent to delay this case should be viewed with skepticism, with that fact of travel life in mind.

52 Based on the foregoing and accompanying declaration of Wesley Marks, Shuttle Express urges the Commission to order full answers by no later than September 30, 2016.

Respectfully submitted this 13<sup>th</sup> day of September, 2016.

LUKAS, NACE, GUTIERREZ & SACHS, LLP



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# **EXHIBIT A**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**DATA REQUESTS**

**Data Request No. 1:**

Provide a list of each current or past employees of SS who works in or serves the market, whether full time or part time. For each employee, provide the following information, if known: name, age, place or places worked, job title, employer, job description, nationality, and languages spoken, read or written.

**RESPONSE to Data Request No. 1:**

Speedishuttle Washington, LLC (“Speedishuttle”) responds throughout to these data requests as if “SS” (not defined by Complainant) is defined as “Speedishuttle Washington, LLC.” Speedishuttle objects to this request as premature based on the pending Petition for Administrative Review. Further Speedishuttle objects to the extent these requests seek information not tracked or maintained by Speedishuttle. Speedishuttle also objects that this request as vague and ambiguous in referring to “employees who work in or serve the market.” To the extent Complainant intends to contact or record Speedishuttle’s employees it further objects to producing identifying information for each employee. The requested information also is overbroad, unduly burdensome and irrelevant in the discovery sense to the matters in litigation as it did not form the basis of the Commission’s Final Order. See, Order 04, ¶ 21. Without waiving its objections, Respondent is currently gathering a list of full or part time current or past multilingual employees, their job descriptions and those with foreign language abilities that Speedishuttle is aware of who have been employed by the company from May, 2015-May, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer, Dave Wiley  
TELEPHONE: (206) 233-2895

**Data Request No. 2:**

Provide copies of all emails between or among SS personnel and/or third parties that address or relate to the availability or provision of services to passengers or potential in the market who do not speak or do not read and write English or who are tech-savvy.

**RESPONSE to Data Request No. 2:**

Speedishuttle objects to this request as premature based on the pending Petition for Administrative Review. Further, Speedishuttle objects to this request as overbroad and unduly burdensome in that it requests “all emails” both internally and externally regarding multiple topics. The request is also vague, (“SS personnel”) compound and incomprehensible insofar as it seeks “...potential in the market who do not speak or do not read and write English or who are tech-savvy.” No definition of tech-savvy is also provided. It further objects on the basis that at no point was the issue of reading or writing English at issue in the prior proceeding, and therefore this request is objectionable as irrelevant in the discovery sense. Speedishuttle currently employs 50 employees and the burden, expense and business interruption impact of attempting to collect “all emails” on the myriad issues requested, is oppressive, burdensome and far outweighs the importance of the issues at stake in preparing for the adjudicative proceeding. Respondent will gather and produce screenshots of website and marketing materials (not emails) between its employees and third parties that address multilingual services by late September.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 3:**

Provide copies of all documents that reflect, show, or relate to hiring or engagement of employees or contractors to serve the market, including advertisements, qualifications, hiring manuals, employment manuals, questionnaires, interview questions, evaluation forms, and decision records or notices.

**RESPONSE to Data Request No. 3:**

Speedishuttle objects to providing its competitor its detailed hiring practices, as constituting discovery requested for an improper purpose. Speedishuttle further objects that the request for “advertisements, hiring manuals, employment manuals, questionnaires, interview questions, evaluation forms, and decision records or notices” are irrelevant in the discovery sense, overbroad and unduly burdensome. The request is also improper for the purposes of the complaint case and currently seeks information that is proprietary and competitively injurious to the intended detriment of Respondent.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 4:**

Provide all records that show online inquiries or bookings in the market and what language was used by the passenger or prospective passenger to make the inquiry or booking.

**RESPONSE to Data Request No. 4:**

Objection, unduly burdensome and oppressive and seeks current, past and prospective customer information that could be used to harm Speedishuttle in the competitive marketplace. Without waiving its objections, Speedishuttle does not centrally compile customer service inquiries by language nor does it indefinitely archive service inquiries.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 5:**

Provide all records that reflect, show, or relate to airport greeters at SeaTac, including duty rosters, schedules, time records, passenger meet/greet lists, locations, languages spoken and numbers of passengers served—by language or nationality, if known.

**RESPONSE to Data Request No. 5:**

Speedishuttle objects to this request as overbroad and unduly burdensome in that it requests “all records that reflect, show, or relate to...” The enumerated list of records also encompasses proprietary business records that Speedishuttle objects to producing without any available protective order against disclosure to its complainant-competitor or the public. Speedishuttle also further objects that some of the information is independently available and less burdensome by simply visiting the airport or from alternative sources such as the Port of Seattle.

Subject to and without waiving the foregoing objections, Speedishuttle will produce a summary list of the greeters employed at the airport from May 2015-2016 by September 30, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer, Dave Wiley  
TELEPHONE: (206) 233-2895

**Data Request No. 6:**

Please provide statistical data for each reservation or trip to or from Sea Tac Airport including, but not limited to, Hudson date/time stamps for reservation time of day, ready to go time of day, on board time of day, location and drop off time of day served in the market to or from SeaTac Airport, how they reserved the transportation (*e.g.*, phone, computer, smartphone, in person, language used), the fare(s) paid, whether or not they spoke English, whether they used Wi-Fi or watched TV, the number of passengers carried in each vehicle on the same trip, the number of stops per trip, the time for each trip, and Hudson system fields for TripID and ShiftID.

**RESPONSE to Data Request No. 6:**

Speedishuttle objects to providing its competitor with readily identifiable customer information as well as data that is proprietary and could be directly used to harm its position in the marketplace. Speedishuttle asserts the request is also unduly burdensome, overbroad and oppressive and seeks information that is not compiled in the format requested. Speedishuttle also objects to the request as irrelevant in the discovery sense as to “whether they used Wi-Fi or watched TV” or “how they reserved the transportation,” load factors, time for each trip, etc. and further objects that this request is imposed for an improper competitive purpose in the absence of a circumscribed protective order. Moreover, without waiving its objections, Speedishuttle does not record, measure or otherwise monitor which of its shared ride passengers watch or use Speedi TV or Wi-Fi. The Commission did not limit Speedishuttle’s proposed certificated service to only customers who qualified as “differentiation factors” under WAC 480-30-140 in its application, and rejected similar restrictions sought previously by Shuttle Express in Order 04 ¶ 25.

Subject to and without waiving the foregoing objections, Speedishuttle does not track much of the information sought by the above request.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 7:**

Please provide all documents that show or relate to the time elapsed that passengers departing SeaTac Airport waited from their check in or presentment with SS until the departure of the vehicle from the loading area, including statistical data, emails, memoranda, “guarantees” or other representations to passengers, or complaints.

**RESPONSE to Data Request No. 7:**

Objection, unduly burdensome and oppressive. (See response to Request No. 6). Speedishuttle objects further that this request is irrelevant in the discovery sense in that wait times or “guarantees” were not part of the Commission’s finding in Final Order No. 4. Speedishuttle also objects to the request insofar as it seeks information that is not compiled in the format requested in the company conduct its business. Clearly, Speedishuttle hoped and remains committed to providing 20-minute departure targets. However, as subsequently learned upon access granted by the Port of Seattle, such time intervals for egress are wholly subject to circumstances outside the operator’s control to the extent that assigned loading sites and airport protocols daily impact departures.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
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REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 8:**

Provide documents that show the vehicles used to transport passengers in the market, including, for each vehicle, the make, model, year, and any amenities, such as TVs and Wi-Fi facilities. Provide records that show when such amenities were installed, operated (on/off/disabled, etc.) and used (*e.g.* Wi-Fi data usage records).

**RESPONSE to Data Request No. 8:**

Objection. Overbroad and unduly burdensome. Without waiving its objection, Speedishuttle will provide a current fleet list with pertinent accessory features by the end of September 2016.

As previously noted in response to Data Request No. 06, Speedishuttle does not track operation and usage of Wi-Fi and Speedi TV which services are available on all vehicles except Speedi TV is not available on the ADA accessible minivan with a wheelchair ramp which is required for “demand responsive” transportation systems under the Americans with Disabilities Act.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer, Dave Wiley  
TELEPHONE: (206) 233-2895

**Data Request No. 9:**

Provide documents that reflect, show, or relate to a decision or practice to carry “walk-up” or not “pre-arranged” passengers or the like (by whatever terminology or nomenclature), in the market.

**RESPONSE to Data Request No. 9:**

Objection. Overbroad, irrelevant and resolved by the Commission as a matter of law on December 14, 2015. This request is also one particularly implicated by the pending Petition for Administrative Review and is res judicata as a matter of law in the view of the Respondent and is not pertinent to any definitional parameters applicable to the requested relief.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 10:**

Describe in detail every aspect of Speedishuttle's service in the market that you would contend is in a material way different from the door-to-door share-ride van service offered by Shuttle Express.

**RESPONSE to Data Request No. 10:**

Speedishuttle objects that this request is overly broad and unduly burdensome in that it purports to require Speedishuttle to "[d]escribe in detail every aspect of Speedishuttle's service..." Speedishuttle further objects that this information is available from sources equally available to complainant, and with far less burden or expense. It also objects that this question is vague, ambiguous and irrelevant with respect to "...service offered by Shuttle Express" as to time period.

Subject to and without waiving the foregoing objections, Speedishuttle states, according to Final Order 4, "the totality of these features demonstrate that the proposed service uniquely targets a specific subset of consumers seeking door-to-door service to and from the airport: those who are tourists, tech-savvy, or non-English speaking. Speedishuttle's business model thus includes luxury vehicles, significantly increased accessibility for non-English speaking customers, individually-tailored customer service, tourism information, and Wi-Fi service. Such service is substantially different from the existing service the objecting carriers offer."

Speedishuttle has endeavored to offer exactly that: individually-tailored customer services to include complimentary airport greeting for prearranged arrivals and departure confirmation calls, multilingual booking options, Wi-Fi service, luxury vehicles, tourism information and Speedishuttle TV in areas, as the Commission expressly found, which differentiated itself from Shuttle Express during the applicable test year prior to the filing of its Application in October, 2014.

Finally, Speedishuttle lacks knowledge of all details of the door-to-door shared ride van service operated by Shuttle Express although, on information and belief, avers that that service is not presently available in all areas in Shuttle Express King County territory, including, but not limited to major hotels in Seattle and Bellevue that are currently served only by Shuttle Express on a scheduled, routed service basis.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
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REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 11:**

Describe in detail every aspect of Speedishuttle's service in the market that you would contend is in a material way the same as or similar to the door-to-door share-ride van service offered by Shuttle Express.

**RESPONSE to Data Request No. 11:**

Objection. Calls for legal conclusion in the context of its phraseology. See also response to Data Request No. 10 for which legal differentiation factors served as the basis for Order 04 and which Speedishuttle offers and operates under. Speedishuttle further objects that this request is overly broad and unduly burdensome in that it purports to require Speedishuttle to "[d]escribe in detail every aspect of Speedishuttle's service..." Speedishuttle further objects to complainant's premise as premature and calls for a legal conclusion by Speedishuttle and that Order 04 speaks for itself on these salient features and irrelevant in the discovery sense.

*See also* response to Data Request No. 10 for limitations on Complainant's current service in King County.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
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REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 12:**

Provide all documents that reflect, show, or relate to an attempt by Speedishuttle to compete with Shuttle Express or to carry passengers that could instead take Shuttle Express, including advertising, communications with the Port of Seattle, or communications with trade associations or travel groups.

**RESPONSE to Data Request No. 12:**

Objection. See responses to Requests No. 1-3, above. Speedishuttle objects to this request as being imposed for an improper purpose, overbroad, and irrelevant to the discovery sense because Speedishuttle is not restricted to serving individuals who are incapable of or otherwise unable to utilize Shuttle Express, and in seeking proprietary marketing strategies and various other intellectual property of Speedishuttle. Speedishuttle also objects on the grounds that it elicits hearsay and speculation by Speedishuttle in divining intent as to “what passengers could instead take Shuttle Express.” Speedishuttle has also never asserted that it would “not compete with Shuttle Express” and, indeed, that’s precisely what the 2013 Rulemaking envisioned for the regulated auto transportation marketplace. Without waiving these objections, as noted in responses to Data Request Nos. 10 and 11, Shuttle Express, on information and belief, does not currently offer door-to-door shared ride service (only scheduled service) to major hotels and piers in King County.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
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REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 13:**

Provide all documents that reflect, show, or relate to efforts by Speedishuttle to attract non-English speaking passengers in the market, or in Hawaii, including websites, advertising, or outreach to trade associations or travel groups.

**RESPONSE to Data Request No. 13:**

See response to Request No. 12, above. Speedishuttle also specifically objects to requests related to solicitation of passengers in Hawaii service by a non-applicant affiliate as irrelevant, immaterial and unduly burdensome. Without waiving these objections, Speedishuttle is in the process of gathering screenshots of websites and other printed advertising/solicitation material demonstrating how it holds out, for service in the Washington marketplace, (*see also* Speedishuttle Washington's website at [www.speedishuttleseattle.com](http://www.speedishuttleseattle.com)).

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
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REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 14:**

Provide documents that reflect, show, or relate to loans or capital investments to Respondent by shareholders, financial institutions, corporate affiliates, or third parties, including the amounts, dates, terms, and any related documents, such as applications, agreements, bank statements, demands, repayments, reports, extensions, renewals, guarantees, or security interests.

**RESPONSE to Data Request No. 14:**

Speedishuttle objects to this request as overbroad, unduly burdensome, irrelevant in the discovery sense, imposed for an improper competitive and harassing purpose and not made in good faith. This question seeks proprietary and competitively damaging information and is thus sought for an improper purpose, particularly in light of the apparent unavailability of a protective order in this proceeding.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 15:**

Provide financial statements of the Respondent, by month, on the following bases: consolidated with corporate affiliates, separate, or both, if available. Provide any audit documents, if available.

**RESPONSE to Data Request No. 15:**

Objection. See response to Data Request No. 14, above.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
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REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 16:**

Provide all business plans, projections, cash flow analyses, profitability analyses, and other documents that reflect, show, or relate to the Respondent's profitability, lack of profitability, or plans or expectations to become profitable.

**RESPONSE to Data Request No. 16:**

Objection. See responses to Data Request Nos. 14-15, above.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 17:**

Describe efforts to attract or target tech-savvy or non-English speaking passengers in the market and provide any documents that reflect, show, or relate to such efforts.

**RESPONSE to Data Request No. 17:**

Objection. Redundant and unduly burdensome. *See also*, answers to Data Request Nos. 10 and 11, above.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer, Dave Wiley  
TELEPHONE: (206) 233-2895

**Data Request No. 18:**

Please describe all efforts to serve passengers in the market that were not being served or could not be served by Shuttle Express prior to your UTC application and provide documents that reflect, show, or relate to any such efforts.

**RESPONSE to Data Request No. 18:**

Objection, this request is vague and incomprehensible as to timing as to whether it pertains to the applicable test period or for how many years prior to the application. It also assumes that the 2013 Rulemaking's policy statement and new rules implementation had no bearing on a prospective applicant's motivation in seeking certificate authority. Speedishuttle further objects that this request is overbroad and unduly burdensome. For example, without waiving its objections, Speedishuttle directs the Complainant's attention to the testimony of January 12, 2015 on the Go Group and the correspondence exhibit from the Go Group admitted into the hearing record as to the discontinuance by Shuttle Express of the wholesale travel service provider in Washington. Subject to and without waiving the foregoing objections, see responses to Request Nos. 6, 8, and 10, above. And once again, the findings of the Commission on the service record are a matter of law as found in Order 04 and as argued in the pending Petition for Administrative Review of Order 06.

Without waiving the foregoing objections, Speedishuttle also notes the current service limitations of Shuttle Express it understands as noted in previous Data Request Responses Nos. 10-12, above.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 19:**

Provide copies of all agreements with airlines, Go Group, and Hudson Group for or relating to ground transportation in the market.

**RESPONSE to Data Request No. 19:**

Objection. Overbroad, unduly burdensome and vague. Additionally, to the extent that these agreements are subject to filing with and approval by the Commission, they are a matter of public record which Shuttle Express is equally capable of obtaining through a public records request of the Commission. Hudson Group is a software vendor serving both parties and Speedishuttle presumes licensing agreements with that entity are proprietary and subject to federal and/or state protection. Subject to and without waiving the foregoing objections, Speedishuttle states it has no shared ride airline agreements in Seattle, WA.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
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REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 20:**

Provide copies of all reports provided to or prepared for the UTC, the Port of Seattle, Go Group, and Hudson Group.

**RESPONSE to Data Request No. 20:**

Speedishuttle objects to this request as seeking to provide proprietary customer information to a competitor. Speedishuttle further objects that this request is interposed for an improper competitive purpose as Hudson Group is the software vendor serving both Shuttle Express and Speedishuttle and Go Group is a wholesale travel customer. Speedishuttle also objects to the request that as to the UTC and the Port of Seattle, these reports are in the public domain and obtainable by requests to those two agencies.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
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REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer, Dave Wiley  
TELEPHONE: (206) 233-2895

**Data Request No. 21:**

Provide analyses of air and/or ground transportation in, to, or from the market, including demand, needs, existing providers, and any drafts or plans to enter the market or obtain operating authority. The scope of this request is January 1, 2012 to the date of hearing in this matter.

**RESPONSE to Data Request No. 21:**

Speedishuttle objects to this request as overbroad, unduly oppressive, remote in time and irrelevant in the discovery sense, and interposed for an improper purpose and may also violate public records disclosure limitations announced by Washington appellate courts. Speedishuttle further objects to providing its prior and existing proprietary business, strategy and development information to a competitor. Speedishuttle further objects that the information contained in many such analyses is readily available from third parties and other sources.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
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WITNESS: Jack Roemer  
RESPONDER: Jack Roemer, Dave Wiley  
TELEPHONE: (206) 233-2895

**Data Request No. 22:**

Provide copies of all correspondence to or from the Go Group. The scope of this request is January 1, 2012 to the date of hearing in this matter. This request encompasses all forms of correspondence, including paper, emails, or text messages. It is intended to include aggregate reservation or transportation data, but is not intended to include all specific or individual reservations, bookings, or requests for ground transportation.

**RESPONSE to Data Request No. 22:**

See objection to Data Request No. 20, above particularly as to the request for proprietary and market driven data whose release would be competitively harmful to Speedishuttle. Speedishuttle further objects to this request as unduly burdensome, irrelevant and overbroad. Subject to and without waiving the foregoing objections, Speedishuttle only obtained information from Go Group equally available to Shuttle Express. Without waiving its objections, Speedishuttle points to the correspondence from Go Group admitted as an exhibit in the record in TC-143691 and referenced in response to Data Request No. 20, above.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: August 31, 2016  
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REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer, Dave Wiley  
TELEPHONE: (206) 233-2895

**Data Request No. 23:**

Provide copies of all correspondence to or from the Hudson Group. The scope of this request is January 1, 2012 to the date of hearing in this matter. This request encompasses all forms of correspondence, including paper, emails, or text messages. It is intended to include aggregate reservation or transportation data, but is not intended to include all specific or individual reservations, bookings, or requests for ground transportation.

**RESPONSE to Data Request No. 23:**

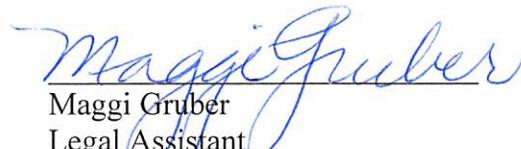
Objection. This request is overbroad as to time period and incomprehensible to the extent it purports to require information from the Hudson Group related to “all specific or individual reservations, bookings, or requests for ground transportation.” The Hudson Group is not a customer or reservation agent for Speedishuttle but is a software vendor who, pursuant to licensing agreements, provides software programs for adaption by Speedishuttle and, we believe, Shuttle Express. Speedishuttle further objects to the request as unduly burdensome as it seeks nearly four years of correspondence from a party whose potential role, identity or involvement in this proceeding is not specified nor explained as seeming to somehow lead to the discovery of admissible evidence. It also apparently improperly seeks proprietary customer–vendor information, whose disclosure could cause competitive harm in the possession of Complainant. Further, Speedishuttle objects to requests related to the Hudson Group potentially seeking proprietary and customer contact information that is confidential and may place Speedishuttle in breach of third-party confidentiality agreements. It may also involve release of private customer information without permission from customers and potentially violates various identity protection/consumer protection statutes. To the extent that it seeks aggregate customer count information, any such data is available to Shuttle Express through a request for public records to the Port of Seattle and, to a lesser extent, the WUTC.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2016, I caused to be served a copy of the foregoing document to the following address via email and/or first class mail, to:

Julian Beattie Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0128 (360) 664-1192 Email: <a href="mailto:jbeattie@utc.wa.gov">jbeattie@utc.wa.gov</a>	Brooks Harlow Lukas, Nace, Gutierrez & Sachs, LLP 8300 Greensboro Dr. Suite 1200 McLean, VA 22102 (703) 584-8680 Email: <a href="mailto:bharlow@fcclaw.com">bharlow@fcclaw.com</a>
---	---

Signed at Seattle, Washington this 31<sup>st</sup> day of August, 2016.

  
Maggi Gruber  
Legal Assistant  
[mgruber@williamskastner.com](mailto:mgruber@williamskastner.com)

# **EXHIBIT B**

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SHUTTLE EXPRESS, INC.,

Petitioner and Complainant,

v.

SPEEDI SHUTTLE WASHINGTON, LLC

Respondent.

DOCKET NOS.

TC-143691

TC-160516

FIRST DATA REQUESTS OF  
SHUTTLE EXPRESS, INC. TO  
SPEEDI SHUTTLE WASHINGTON,  
LLC

TO: Respondent SpeediShuttle Washington, LLC

**INTRODUCTION**

Please respond to the following data requests in accordance with WAC 480-07-400, *et seq.*

Unless otherwise stated, the time period covered by the following requests is January 1, 2013 to the date of your response. If any response changes, including updated or additional responsive documents or information, please update the response to the date of the hearing.

“Market” means transportation and related services and facilities in or between the SeaTac airport and points in King County, Washington.

“Document” or “record” includes both paper and electronic records and files in their native format, including all metadata. For any file formats that are not readable with mass market software (such as Excel, Word, Outlook, Acrobat), please also provide or offer to provide in a file format commonly readable (such as Adobe Acrobat portable document format).

## CERTIFICATE OF SERVICE

I hereby certify that on September 13<sup>th</sup>, 2016, I served a copy the foregoing document via email, with a copy via first class mail, postage prepaid, to:

Julian Beattie Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0128 (360) 664-1192 Email: jbeattie@utc.wa.gov	David W. Wiley Williams Kastner Two Union Square 601 Union Street, Suite 4100 Seattle, WA 98101 206-233-2895 Email: dwiley@williamskastner.com
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Dated at McLean, Virginia this 13<sup>th</sup> day of September, 2016.



Elisheva Simon  
Legal Assistant