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
	
	DECLARATION OF WESLEY MARKS IN SUPPORT OF MOTION OF SHUTTLE EXPRESS TO COMPEL RESPONSES TO DATA REQUESTS

1   I, Wesley Marks, am the Director of Compliance and Shared Services of Petitioner Shuttle Express, Inc. ("Shuttle Express" or "Petitioner"). I make this declaration in support of the Shuttle Express Motion to Compel based on personal knowledge and my experience working with Shuttle Express for roughly five (5) years.

2   Shuttle Express is in the same business as SpeediShuttle and therefore we have industry knowledge of how they operate and what data they must or should have and retain. Also, SpeediShuttle uses some of the same data systems and has been in some of the same trade groups as well as used the same vendors. For these reasons, we know that the claims that our data requests cannot be answered or are burdensome are simply not true or, at best, are exaggerated. Indeed, ironically, last week SpeediShuttle sent us data requests asking us for much of the same data that they objected to as irrelevant and burdensome.

3   Perhaps the best example of known data capabilities are the services and systems provided by a company known as the "Hudson Group." ("Hudson"). Shuttle Express used the Hudson system as its primary booking and web reservation system, with the same available capabilities, as SpeediShuttle up until September 4th, 2016 when Shuttle Express transitioned to a new vendor. As Respondent admits in one of its data request objections, both Shuttle Express and

SpeediShuttle use Hudson to book and track reservations and trips. We know from our own experience 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. SpeediShuttle is now the Seattle airport Shuttle member of Go Group, having replaced Shuttle Express.

4 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's individual reservation:

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

This one shows the audit history available 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.

5 At any time that a carrier wants, it can easily run a report on any of numerous parameters or stored data inside 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. It is not, in our experience, "burdensome and oppressive" to generate the statistical data we ask for in the data requests. It is relatively easy and can be done routinely in the ordinary course of business.

6 Furthermore, SpeediShuttle's booking website was created by, and is maintained and hosted by, the Hudson Group. I can easily tell this based on the links and our own experience with Hudson Group services. Indeed, I looked into the code on their website and came up with this tag at the end of their main booking page:

> <!-- SpeediShuttle Seattle's Online Reservation System
> Copyright 1999-2016 Hudson Financial and Technologies Group
> Version 3.46d -->

7 Hudson Group has 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. As discussed above regarding 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. So it is very likely that the information on bookings in languages other than English are readily available and tracked. It can be done based on the webpage (corresponding to a language) the customer used to book their reservation. The statistics are not burdensome to provide, in my experience.

8 As another example, Go Group is a wholesale travel customer of SpeediShuttle. Go Group actively promoted SpeediShuttle's application to compete with Shuttle Express, after we terminated our franchise agreement with Go Group. Shuttle Express attempted to negotiate a new third party ticket agent agreement with Go Group, to no avail. Go Group filed a supporting statement with the SpeediShuttle application. Because Shuttle Express terminated its franchise agreement with the Go Group, Go Group would have lost significant revenue in the Sea-Tac market, as a direct result of its credit card fee structure for Go Group franchise members. It
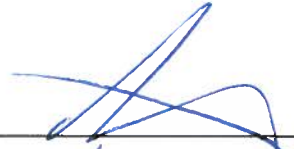
MARKS DECLARATION - 3

receives a percentage of all of its third party ticket bookings as well as retail credit card bookings of its members. By replacing Shuttle Express with SpeediShuttle at Sea-Tac, Go Group has successfully replaced much of that lost income.

9   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. Because we know that Go Group actively supported the SpeediShuttle application and expected to financially benefit from it, it is likely that contemporaneous correspondence would show the parties' true intentions regarding the proposed service.

10   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. Thus, both the Hudson Group and the Go Group would have been intimately familiar with the Sea-Tac 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. It is likely there would have been written communications between the travel groups and SpeediShuttle, 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.

I declare under penalty of perjury under the laws of the State of Washington that the statements in this declaration are true and correct to the best of my knowledge, information, and belief.

Executed at Renton, Washington, this 13th day of September, 2016.

9-13-2016

Wesley A. Marks

CERTIFICATE OF SERVICE

I hereby certify that on September 13th, 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

Dated at McLean, Virginia this 13th day of September, 2016.

Elisheva Simon
Legal Assistant