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June 16, 2017

VIA WUTC WEB PORTAL

Mr. Steven V. King
Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

**Re: PETITIONER SHUTTLE EXPRESS INC.
DOCKET NO. TC-160819**

Dear Mr. King:

On behalf of Shuttle Express, Inc., please find enclosed for electronic filing in the above-referenced docket, the Motion to Extend Limited and Conditional Exemption.

If you have any questions regarding this filing, please do not hesitate to contact me.

Respectfully submitted,

/s/ _____
Brooks E. Harlow
Counsel for Shuttle Express, Inc.
WSBA No. 11843
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cc: Mr. Danny Kermode, Assistant Director, Regulatory Services (via email)
Mr. Mike Young, Section Manager, Water and Transportation (via email)

Enclosure

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re Petition of

SHUTTLE EXPRESS, INC.,

For Exemption From WAC 480-30-213 and
WAC 480-30-456, Pursuant To
WAC 480-07-110

DOCKET TC-160819

MOTION TO EXTEND LIMITED
AND CONDITIONAL
EXEMPTION

TO: STEVEN V. KING, Executive Director and Secretary, Washington Utilities and
Transportation Commission, P.O. Box 47250, Olympia, Washington, 98504-7250

1 Petitioner/movant Shuttle Express, Inc. (“Shuttle Express”) is an auto transportation
company that operates within the state of Washington and holds a certificate of public
convenience and necessity from the Commission. The full name and address of Shuttle
Express and name and address of its attorneys are:

Shuttle Express, Inc., d/b/a Shuttle Express
800 SW 16th St
Renton, WA 98057
Phone: 425-981-7070
Fax: 425-981-7071

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2 On September 30, 2016, the Commission entered Order 01 in this docket, which granted
Shuttle Express an exemption from the following Commission rules: 1) WAC 480-30-213,
which relates to vehicles and drivers; 2) WAC 480-30-456, which relates to the fair use of
customer information; 3) WAC 480-30-231(1), which relates to the identification of

vehicles; and 4) WAC 480-30-221(1), which relates to vehicle and driver safety requirements to the extent it expands the scope of coverage to vehicles carrying fewer than nine passengers. Subjection to the conditions and limitations in Order 01, the exemption has permitted Shuttle Express to use independent contractors to supplement its shared ride service to and from SeaTac International Airport. One of the limitations was that the exemption was “granted for a period not to exceed 10 months.” Order 01, ¶ 22.

3 As Shuttle Express reported in this docket, it commenced operations under the exemption order the week of November 28, 2016. Since that time, it has used licensed limousine independent contractors to perform what would have been auto transportation work approximately 3,800 times. The company has not received a single complaint from passengers about the offering and provision of service using a limousine in lieu of auto transportation. The independent contractors have not been involved in a single accident while performing work pursuant to the exemption order.

4 Shuttle Express files this motion because the Commission has proposed and noticed for adoption certain rule changes which would enable Shuttle Express to continue providing the limousine service using independent contractors in essentially the same manner as they are currently operating under the exemption order. *See* Notice of Opportunity to File Written Comments on Proposed Rules and Proposed Rule Adoption Hearing (Dkt. TC-161262, June 6, 2017). However, the new rules may not be effective before the expiration of the 10 month limitation—as soon as the end of July.¹

¹ Order 01 did not specify if the 10 months commenced on the date of the entry of the Order or on the date that operations under the Order commenced. Assuming it runs from the date of entry, then the exemptions expire on July 31, 2017, under the 10 month limitation

- 5 All of the facts and circumstances that existed on the date Order 01 was issued and that supported the findings that the exemptions would be in the public interest still exist today. The only material difference is that the Commission appears close to adopting rule changes that would continue to allow—on a permanent and more expansive basis—the same kind of operations that Shuttle Express has engaged in for the last five to six months. Moreover, the operations under Order 01 have served the public interest well and without complaint or adverse incident.
- 6 The public interest will continue to be served by extending the exemptions, if necessary, due to a gap between the expiration of 10 months and the effective date of the new rules. That gap is likely to be short, perhaps a few days to a few months. It would be inefficient to Shuttle Express and detrimental to the public to have to shut down a successful pilot project for a short period of time based on the mere happenstance that the exemption order and effective date of the new rules do not precisely coincide.
- 7 For the foregoing reasons, Shuttle Express requests that the duration of limited and conditional exemption granted in Order 01 should be extended an additional six months,

but subject to a 30 day termination of the exemption following the effective date of rule changes in Docket TC-161262.²

Respectfully submitted this 16th day of June, 2017.

LUKAS, LAFURIA, GUTIERREZ & SACHS, LLP

/s/

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² It is not likely that the full six months will be needed. Thus a 30 day termination is proposed so the exemption will terminate automatically shortly after the new rule becomes effective. The 30 day provision is requested because some time will be needed to ensure that Shuttle Express has reasonable time to make changes to its operations without interrupting the service. There may be some need to confirm which vehicles can operate under the new rules and to provide instructions, badges, and new contract addendums to contractors that are fully consistent with the new rules. The new rules are similar in import to the exemption order, but nuances require some due diligence to make the transition.