



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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August 5, 2013

NOTICE REQUIRING POST-HEARING BRIEFING
(Due by Friday, September 20, 2013, at 4:30 p.m.)

Re: *WUTC v. Shuttle Express, Inc.*, Docket TC-120323

TO ALL PARTIES:

On Thursday, August 1, 2013, the Washington Utilities and Transportation Commission (Commission) conducted an evidentiary hearing in the above-referenced complaint docket. The complaint alleges that Shuttle Express, Inc. (Shuttle Express or Company) used independent contractors to fulfill some of its service obligations in violation of WAC 480-30-213(2) and seeks penalties for those alleged violations. Among the factors the Commission must consider in determining the amount of any such penalties is the likelihood any proven violations will recur.¹ This docket is the second time that issues have arisen concerning the Company's compliance with WAC 480-30-213(2) and, in light of the business needs to which Shuttle Express testified at the hearing, there is a strong likelihood of future violations of this rule if circumstances remain unchanged.

Accordingly, at the close of the proceeding, the presiding officer required the parties to file post-hearing briefing, individually or jointly, on the options and prospects for resolving the apparent conflict between WAC 480-30-213(2) and the operational demands of providing door-to-door airport shuttle service. The parties' briefing should include a summary explanation of the issue (*i.e.*, why Shuttle Express believes it necessary to rely in part on independent contractors to provide its "rescue" service) and

¹ Enforcement Policy of the Washington Utilities and Transportation Commission, Docket A-120061 (January 7, 2013), at 9.

then address potential means by which Shuttle Express can satisfactorily serve its customers, including but not necessarily limited to:

- Alternate methods, if any, for Shuttle Express to continue offering a “rescue” service in compliance with WAC 480-30-213(2);
- Shuttle Express petitioning the Commission for a declaratory ruling on the legality of its independent contractor program;
- The Commission sponsoring a workshop to discuss differences in operations between “door-to-door” and “scheduled” automobile transportation service in the context of a potential rulemaking to consider revisions to WAC 480-30-213(2);
- Shuttle Express petitioning the Commission for an exception to rule; and
- The Commission and/or Shuttle Express seeking changes to the applicable statute or Commission rules.

The briefing should also include each party’s preferred course of action to ensure future compliance with WAC 480-30-213(2) and all other associated Commission rules and regulations. If possible, the parties should make a joint recommendation on the best course of action.

The parties should be thorough in their discussion and analysis; therefore, there is no page limitation for this briefing. The parties’ briefing must be filed no later than Friday, **September 20, 2013, at 4:30 p.m.**

ADAM E. TOREM
Administrative Law Judge