

BEFORE THE WASHINGTON STATE UTILITIES  
AND TRANSPORTATION COMMISSION

In the Matter of the Application of

PACIFIC NORTHWEST  
TRANSPORTATION SERVICES, INC.  
D/B/A CAPITAL AEROPORTER  
AIRPORT SHUTTLE; CAPITAL  
AEROPORTER TOURS & CHARTERS;  
AIRPORT SHUTTLE; CAPITAL CITY  
CHARTERS; PREMIER AIRPORT  
SHUTTLE

For Authority to Operate as an Auto Transportation  
Company in the State of Washington

Docket No. TC-240898

RESPONSE TO MOTION TO STRIKE  
EAGLE TOWNCAR SERVICE, LLC'S  
OBJECTION TO PERMANENT AUTO  
TRANSPORTATION AUTHORITY  
APPLICATION

- 1 Eagle Towncar Service LLC (Eagle Towncar or Company) hereby responds to the Motion to Strike (Motion) filed by Pacific Northwest Transportation Services (PNTS) on December 13, 2017. This Motion should be denied as representing a misreading of Commission rules that would lead to an absurd and unjust result.
- 2 On December 6, 2024, Eagle Towncar filed an Objection to Permanent Auto Transportation Authority Application (Objection) in the present docket. Eagle Towncar attached a copy of its Auto Transportation Certificate TAC-071487. As Eagle Towncar explained, it was only recently granted authority from the Commission for scheduled service between five (5) Bellevue hotels and SeaTac International Airport in Docket TC-240717, pursuant to Order 02, entered on November 27, 2024. The Commission formally issued Auto Transportation Certificate TAC 071487 to Eagle Towncar later that same day.
- 3 PNTS now argues in its Motion that Eagle Towncar's Objection should be stricken. PNTS contends, "Eagle Towncar did not hold a certificate for the overlapping portion on November 19, 2024, and therefore was not operating any scheduled service on November 19, 2024, at the time PNTS filed its application for permanent extension of authority." PNTS does not raise any other

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contention against Eagle Towncar’s objection. Yet PNTS misreads the pertinent Commission rule.

4 As relevant here, WAC 480-30-116(2) provides: “An existing auto transportation company may object to an application for new authority or an extension of authority published in the application docket only if the company holds a certificate that authorizes the same service and the company provides the same service published in the application docket.”

5 PNTS’s entire Motion relies on an *assumption* that WAC 480-30-116(2) only allows the Commission to consider objections from auto transportation companies that had Commission-issued certificates *as of the date that the Company filed an application for authority* (or an application for an extension of existing authority, as in this case). Yet this requirement is not found anywhere in the rule itself. WAC 480-30-116(2)(a) merely requires the objecting company to file its protest within the 30-day protest period and to “[s]pecify why the company believes it is providing the same service to the satisfaction of the commission.” If the Commission intended to limit objections only to auto transportation companies providing the same service as of the date of the application filing, such a phrase would easily have been included.

6 This case is an example of why such a de facto requirement (assumed without justification by PNTS) should not be adopted. As Eagle Towncar has explained in its Objection, Eagle Towncar has strong customer support from regional transportation group Visit Bellevue and five major Bellevue Hotels for a specific, scheduled service. Eagle Towncar invested substantial time and effort to develop these customer relations and establish this route as a viable business opportunity. PNTS was not serving this route in scheduled service before. Yet PNTS now seeks to extend its authority to not only overlap Eagle Towncar’s specific route, but to ostensibly preclude future competition across most of the east side.<sup>1</sup> If the Commission interpreted WAC 480-30-116(2) in the manner suggested by PNTS, then PNTS or any other established auto

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<sup>1</sup> PNTS’s Service Route Map in this Docket refers to a highly similar route, stopping at five of the same hotels. PNTS’s Application, however, requests much broader authority across much of the east side of Lake Washington.

transportation company could easily block any application from a new company, such as Eagle Towncar, even if that new entrant is proposing to serve an entirely different route and service territory than that served by any existing company. This result was clearly not intended by the Commission's revised rules for auto transportation service enacted over a decade ago which actually sought to broaden, not suppress, appropriate competition in this industry.

7 PNTS also attempts to muddy the procedural waters by (1) tacking on two additional hotels to the route developed by Eagle Towncar and (2) seeking additional authority throughout most of the east side by its Application. Because the proposed route is plainly inclusive of, and focused on subsuming Eagle Towncar's application scope, it is appropriately subject to protest by Eagle Towncar.

8 To the extent that PNTS broadly requests authority throughout Bellevue, Kent, and other areas of the east side, Eagle Towncar should also be granted standing to object to such a tactic. PNTS's request for such a broad service territory should be denied on its face, because it precludes any consideration of whether the "public convenience and necessity" actually requires the proposed service, as required by WAC 480-30-126(2). Eagle Towncar objects to any attempt by PNTS to secure authority for areas immediately surrounding its route without any proper evidentiary showing as required by rule. If the Commission were to approve such a broad request in PNTS's Application without support, this would only encourage auto transportation companies to engage in gamesmanship, by filing applications for broad territories they do not yet serve to foreclose future competition, an analogous concern the Legislature expressed for the issuance of commercial ferry certificates by enacting a requirement in RCW 81.84.060 that certificates be exercised no later than five years after being granted.

9 The Commission should thus deny PNTS's Motion to Strike. This docket TC-240898 should proceed as a protested application. Eagle Towncar was granted authority for this specific service first, and the Commission should consider the material issue of whether more than one Company

should be granted authority to serve the same route. The Commission should also consider Eagle Towncar's broader objection to PNTS's request for authority throughout much of the east side and its potential effect of stifling future competition and limiting service options in this high growth population corridor.

DATED this 18th day of December, 2024.

Respectfully submitted,

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