

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKET NO. TC-001846
)	
Complainant,)	
v.)	ORDER DENYING PETITION TO WITHDRAW RATE FILING;
)	
BREMERTON-KITSAP AIRPORTER, INC., C-903,)	NOTICE OF SECOND PREHEARING CONFERENCE
)	(August 9, 2001)
Respondent.)	
.....)	

1 On November 27, 2000, Bremerton-Kitsap Airporter, Inc. filed with the Commission tariff revisions designed to effect an increase in its rates for passenger express service as an auto transportation company in this state. It is indicated that the total effect of such tariff revisions is an increase in revenues of approximately \$230,000 (14.2%) annually. The operation of such tariff revisions has been suspended by order of the Commission pending hearing or hearings concerning such changes and the justness and reasonableness thereof.

2 The Commission held a prehearing conference in this matter in Olympia, Washington on Tuesday, April 3, 2001. The prehearing conference was held before Administrative Law Judge Marjorie R. Schaer.

THE PETITION FOR LEAVE TO WITHDRAW THE RATE FILING

3 The Company submitted a request on May 14, 2001, to withdraw its rate proposal. Commission Staff answered, opposing the request, citing the Commission's standard that dismissal is optional and should be granted only when it is consistent with the public interest. Staff contended that the filing raised questions involving the public interest and that the Commission should deny the dismissal and pursue those issues at hearing. The Company replied, arguing that a complaint by the Commission would be a more appropriate vehicle in which to explore whether the Company's rates are too high. The Company also argued that dismissal is granted as a matter of right in Superior Court litigation

4 The prehearing conference in this matter indicates that two major issues were identified by the parties during the conference: "first, whether the executive salaries allocated to ratepayers are set at an appropriate level, and second, whether the Company's overall rates are too high." Docket No. TC-001846, *WUTC v.*

Bremerton-Kitsap Airporter, Inc., C-903, First Supplemental Order, p. 1 (April 4, 2001). On April 28, 2001, the Commission served an amended notice of hearing, giving notice of the ultimate issues in this proceeding. The notice indicates that one of the ultimate issues in the proceeding is whether the Company's "existing rates are fair, just, reasonable, and sufficient, and in the public interest." Docket No. TC-001846, *WUTC v. Bremerton-Kitsap Airporter, Inc.*, C-903, Amended Notice of Hearing, p. 2 (April 26, 2001). The issue of whether the existing rates of Bremerton-Kitsap Airporter are just, fair, reasonable, and sufficient and in the public interest is clearly framed by the Prehearing Conference Order, to which no objection was raised, and by the Amended Notice of Hearing.

5 The resolution of whether the Company's existing rates are fair, just, reasonable, and sufficient, and in the public interest is in the public interest. The Commission will allow this matter to proceed.

6 The existing rates of the Company are presumed to be fair, just, reasonable, and sufficient, and in the public interest, until a showing is made otherwise. The Staff answer reflects an understanding that it must bear the burden of going forward in an attempt to prove otherwise. Staff has indicated how it will obtain necessary information, and that it is prepared to go forward even if the Company does not participate further. The Staff is instructed to frame a proposed procedure for going forward and concluding this matter within the time frame of the December 1, 2001, suspension date. Staff should share its draft procedure with the Company before the prehearing conference on August 9, 2001, and should come to the conference prepared with either an agreed schedule, if possible, or a proposed schedule.

NOTICE OF PREHEARING CONFERENCE

7 **NOTICE IS HEREBY GIVEN That a prehearing conference will be held on Thursday, August 9, 2001, at 9:30 a.m., in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

8 NOTICE IS HEREBY GIVEN That in accordance with WAC 480-09-700(1)(a), the Commission has determined that good cause exists for this matter to be heard upon shortened notice.

9 NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED

10 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this day of July, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARJORIE R. SCHAER
Administrative Law Judge