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BEFORE THE WASHINGTON STATE UTILITIES
AND TRANSPORTATION COMMISSION

In the Matter of the Application of

PACIFIC NORTHWEST TRANSPORTATION
SERVICES, INC. D/B/A CAPITAL
AREOPORTER AIRPORT SHUTTLE; CAPITAL
AREOPORTER 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

[PROPOSED] REPLY IN
SUPPORT OF MOTION TO
STRIKE EAGLE TOWNCAR
SERVICE, LLC’S OBJECTION TO
PERMANENT AUTO
TRANSPORTATION
AUTHORITY APPLICATION

1. Pacific Northwest Transportation Services d/b/a Premier Airport Shuttle/Capital Aeroporter (“*PNTS*”) submits this Reply in support of its Motion to Strike Eagle Towncar Service, LLC’s (“*Eagle Towncar*”) Objection.

2. While PNTS is not expecting a decision on its Motion due to correspondence with Judge Hughes and Staff indicating Dockets TC-240898 and TC-240856 will be consolidated with a brief adjudicative hearing set for March, PNTS submits this [Proposed] Reply so it is in the record. *See* WAC 480-30-136.

1 3. Because there is overlap in a portion of the territory and possible route in Eagle
2 Towncar's permanent application and PNTS's permanent application, that should not immediately
3 result in a denial to PNTS's permanent application and it is appropriate for the commission to
4 consolidate applications for overlapping authority. *See* WAC 480-30-131.

5 4. Pursuant to WAC 480-30-140(3)(b):

6 Whether an objecting company will provide service to the
7 satisfaction of the commission is based on the objecting company's
8 performance regarding the criteria in *(a) of this subsection prior to*
9 *the date an application for proposed service is filed with the*
10 *commission. The consideration period will depend on the*
11 *circumstances, but will generally be for no more than one year.* The
12 commission will take into consideration extraordinary events, such
13 as severe weather or unforeseeable disasters, when weighing the
14 performance of an objecting company and consumer response to that
15 performance. The commission will also take into consideration
16 whether the testimony shows a pattern of behavior and whether the
17 company has policies and procedures in place to mitigate or resolve
18 alleged or actual service issues.

19 [Emphasis added]

20 5. When determining if the three elements are present for WAC 480-30-116(3) and
21 applying WAC 480-30-140(3)(b), it further supports PNTS' position that Eagle Towncar does not
22 have standing as an objecting company. Because PNTS filed its application on November 19,
23 2024, the consideration period will be from November 19, 2023, to present. Eagle Towncar only
24 obtained its certificate of temporary authority on November 26, 2024, and thus cannot be
25 considered as an objecting company providing the same service to the satisfaction of the
commission as it was not operating any time between November 19, 2023, to November 19, 2024.
Thus, Eagle Towncar does not have standing to object to PNTS' application because it did not



1 hold a certificate that authorizes the same service to the satisfaction of the commission when PNTS
2 filed its application on November 19, 2024.

3 6. In the alternative, if the Commission does not strike Eagle Towncar’s objection, under
4 RCW 81.68.040, the statute states the commission may grant an overlapping certificate only if it
5 finds that the incumbent “will not provide [service] to the satisfaction of the commission.”
6 However, the statute does not specify how the commission is to make that determination. *See*
7 Docket TC-121328, Paragraph 33 in General Order R-572, WSR 13-18-003.

8 7. RCW 81.68 allows the commission a great deal of flexibility in applying the standards
9 to determine entry into the market when taking into account whether or not public convenience
10 and necessity require such operation and whether existing service is provided to the satisfaction of
11 the commission. *See* RCW 81.68.040 and Docket TC-121328, Paragraph 32 and 33 in General
12 Order R-572, WSR 13-18-003.

13 8. In *Pacific Northwest Transp. Serv., Inc. v. Washington Utils. and Transp. Comm’n*, 91
14 Wn. App. 589, 596-97, 959 P.2d 160 (1998), the Court also found that there is public benefit in
15 encouraging competition by motivating carriers to continually improve service.
16

17 9. Thus, it is necessary to consolidate Eagle Towncar’s and PNTS’ permanent
18 applications to be able to evaluate and determine whether the public convenience and necessity
19 requires the commission to grant or deny the request of the proposed services, if the existing
20 company is providing the same service to the satisfaction of the commission, and whether
21 increased competition will benefit the traveling public. *See* WAC 480-30-140.

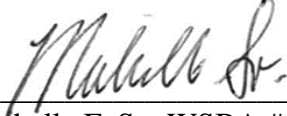
22 10. Eagle Towncar’s objection must be stricken and its request to deny PNTS’ permanent
23 application should be denied. In the alternative, for judicial economy, Dockets TC-240898 and
24



1 TC-240856 should be consolidated with a BAP hearing set for the Commission to consider both
2 Parties' permanent applications.

3 Respectfully submitted on December 20th, 2024.

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5 HOLMQUIST + GARDINER, PLLC

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