

February 1, 2005

William J. Davis
Diamond-West Transportation Co. Inc.
18225 N.E. 416th Street
Enumclaw, Washington 98022

Re: Docket No. TC – 041353
Diamond-West Application for an Extension of Authority

Dear Mr. Davis:

I am writing to enquire whether or not you intend to submit documentary evidence to support Diamond-West's application for an extension of authority in Docket No. TC-041353. At the prehearing conference on December 8, 2004, it was agreed that if Diamond-West restrictively amended its application, Shuttle Express and CWA would not oppose it. Diamond-West would then submit written documentation to the Commission in support of the application by January 7, 2005.

On December 16, 2004, Mr. David Rice, the attorney for Shuttle Express and CWA, advised the Commission that a stipulated restrictive amendment of the application had been entered by Diamond-West. However, I have not received, to date, either a request for an extension of the time for filing documentation in support of the Diamond-West application, or the documentation itself. I am not able to process the application and enter an order unless I receive that documentation. I am enclosing an outline of the type of information required to support an application such as yours. I am sure that Commission Staff would be willing to answer any questions you may have regarding the type of support required.

Please provide the Commission with your documentary support by February 15, 2005, following the directions in paragraph nine of the prehearing conference order dated December 9, 2004, or advise the Commission by that date whether you are withdrawing the application.

Thank you.

Sincerely,

Theodora M. Mace
Administrative Law Judge

Enclosures
cc: all parties

APPENDIX A

The Commission may issue to an applicant a certificate of authority to operate as an auto transportation company in the state of Washington if the applicant satisfies the requirements, both procedural and substantive, that are set out in chapter 81.68 RCW, chapter 480-30 WAC.

At the hearing, the applicant must show that it has satisfied the following requirements before the Commission may grant a certificate:

- (1) That there is a public need for the service proposed by the applicant.
 - Need for new service must be established by the testimony of members of the public who actually require the service. The Commission does not accept self-serving statements of an applicant. The applicant must support its application with independent witnesses knowledgeable about the need for service in the territory in which the applicant seeks authority.
 - The Commission will not consider written statements of witnesses whom the applicant has not made available for cross examination at hearing; the Commission will generally only consider live testimony.
 - If the applicant requests a certificate to operate in a territory already served by a certificate holder, the applicant must also show that the existing transportation company or companies will not provide service in that territory to the satisfaction of the Commission.
- (2) That the applicant is fit, willing, and able to provide the proposed service.
 - The applicant must show that it has sufficient financial resources and assets to conduct the proposed operations.
 - The applicant must show that it is willing and able to comply with the applicable laws and the Commission's rules.