

December 29, 2016

VIA UTC WEB PORTAL

29208.0101

Steven King  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
PO Box 47250  
1300 S. Evergreen Park Dr. SW  
Olympia, WA 98504-7250

Attn: Administrative Law Judge Rayne Pearson

Re: TC-143619, TC 160516 and TC-161257; Response to Motion to Consolidate Filed Today by Shuttle Express, Inc.

Dear Mr. King:

Considering the shortness of time and a decided disinclination to precipitate yet another pleading cycle in this matter, on behalf of Respondent Speedishuttle Washington, LLC (“Speedishuttle”), I wish to point out concerns regarding the filing today by Shuttle Express. Once again, Shuttle Express has taken the liberty to proffer evidence, facts and/or assertions in an inappropriate fashion in a pleading to support its latest litigation position. Specifically, I reference page 1-2 of the Response, ¶2, where their Answer makes arguments about losing “prodigious amounts of money” and prognostications that it “will likely never be profitable in its current business model” and immediately thereafter assertions about placing Complainant in a loss situation, sustainability of the current “duopoly” and references to harm and/or lack thereof to Speedishuttle, which are all inappropriate. Moreover, ¶2 relies on and alludes to “direct testimony” just filed by Shuttle Express on December 21, 2016, which has neither been formally admitted into evidence nor otherwise yet been made a part of this record.

Speedishuttle, throughout this protracted docket, has formally objected to extra-record arguments by Shuttle Express including a previous formal Motion to Strike Portions of Shuttle Express’ Reply to Petition for Administration Review of Order 06 of September 12, which was granted in part. We believe such continuing references are unfair and prejudicial and should not be considered by the Commission. Again, while upon request, we can file a formal motion to strike to address assertions we believe are inappropriate, because of the absence of time here and the desire to avoid further cost and protraction, we simply want to underscore our objections to Shuttle Express’ lack of authentication, foundation, admission, and/or reliance upon these external references and conclusions in its Response.

Yours truly,  
WILLIAMS, KASTNER & GIBBS PLLC



David W. Wiley