

8300 Greensboro Dr.  
Suite 1200  
McLean, VA 22102  
(703) 584-8678  
WWW.FCCLAW.COM

Brooks E. Harlow  
(703) 584-8680 direct  
(206) 650-8206 mobile  
bharlow@fcclaw.com  
NOT ADMITTED IN VA

**LNGS** | LUKAS,  
NACE,  
GUTIERREZ  
& SACHS, LLP

December 30, 2016

VIA UTC WEB PORTAL

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: Response to Letter Filed December 29, 2016 by Speedishuttle Washington, LLC in  
Docket Nos. TC-143619, TC-160516 and TC-161257

Dear Mr. King:

Speedishuttle's letter filed late yesterday requests that portions of the Shuttle Express answer to the motion to consolidate ("Answer") "not be considered by the Commission." Given the relief requested, the letter may be construed as a motion to strike under WAC 480-07-375(1)(d). If so, Shuttle Express asks that this letter be accepted as an answer, pursuant to WAC 480-07-375(4).

First, Shuttle Express notes that Speedishuttle's new Complaint in TC-161257 was not verified. It alleges unlawful actions by Shuttle Express which are unsupported by any admissible evidence and will (at an appropriate time) most assuredly be disputed.<sup>1</sup> Likewise, the Speedishuttle motion to consolidate was based merely on the unverified and disputed allegations of the Complaint and other factual assertions by counsel of relevance to TC-142691 and TC-160516. None of the facts in the motion were supported by any declaration or other "admitted evidence." But despite its own reliance on as yet unsworn allegations to support its motion, Speedishuttle faults similar arguments in the Answer to the motion.

Second, Speedishuttle completely miscomprehends or misconstrues the point of the paragraph in the Answer to which it objects, which is, "what is at stake in these dockets is the ultimate survival of share ride" in King County.<sup>2</sup> What is "at stake" or "at issue" is necessarily framed by the pleadings and subsequent related filings. Until these cases finally get to hearing—

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<sup>1</sup> See Answer to Formal Complaint filed in TC-161257 on December 29, 2016.

<sup>2</sup> This is the first sentence of Paragraph 2 of the Answer, which Speedishuttle ignores in its letter.

hopefully sooner rather than later—the facts are necessarily proffered and not proven. And the proffered and alleged issues are relevant to process and scheduling issues raised by the motion.

Speedishuttle alleges unlawful acts by Shuttle Express but no harm to it.<sup>3</sup> In contrast Shuttle Express alleges that the core viability of share ride service is at risk if the Commission does not act soon. In contrast to the new Complaint, the harm to Shuttle Express and threat to the public service is supported by extensive and detailed facts as proffered in the Shuttle Express pre-filed testimony as well as the general allegations of the Petition and Complaint filed by Shuttle Express in May. Since these facts have been and will be offered into evidence, they frame the issues that will be under consideration, regardless of the objections and responsive testimonies that are likely to come.

Finally, the Commission should carefully note what is conspicuously absent from yesterday's letter. There is no assurance that the consolidation would not adversely impact or delay the hearing TC-143691 and TC-160516. For the reasons discussed in the Answer, delay could do irreparable harm to the public interest and/or Shuttle Express.

Respectfully submitted,



Brooks E. Harlow  
*Counsel for Shuttle Express, Inc.*

Cc: Ms. Rayne Pearson, Administrative Law Judge (via email)  
Mr. Julian Beattie  
Mr. Dave Wiley

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<sup>3</sup> The lack of harm to Speedishuttle is based on its new Complaint. The words “harm” and “damage” cannot be found at all in the Complaint. And no part of the pleading seems to allude to any past or current harm, even liberally construed.

**CERTIFICATE OF SERVICE**

I hereby certify that on December 30, 2016, I served a copy the foregoing document via email, with a copy via first class mail, postage prepaid, to:

<p>Julian Beattie Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0128 (360) 664-1192 Email: jbeattie@utc.wa.gov</p>	<p>David W. Wiley Williams Kastner Two Union Square 601 Union Street, Suite 4100 Seattle, WA 98101 206-233-2895 Email: dwiley@williamskastner.com</p>
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Dated at McLean, Virginia this 30<sup>th</sup> day of December, 2016.



Elisheva Simon  
Legal Assistant