

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SHUTTLE EXPRESS, INC.,

Petitioner and Complainant,

v.

SPEEDISHUTTLE WASHINGTON, LLC,

Respondent.

DOCKET TC-143691

SPEEDISHUTTLE'S REPORT AND
UPDATE OF DISCOVERY DISPUTE IN
ADVANCE OF DECEMBER 2, 2016
HEARING/CONFERENCE

I. INTRODUCTION

- 1 Speedishuttle Washington, LLC (“Speedishuttle” or “Respondent”) provides the below summary of the ongoing dispute regarding discovery in this matter. This Report is based on the documents already on file in this matter and is intended as part of the discovery conference Respondent informally requested under WAC 480-07-415 in seeking to informally move past impasse. Respondent also acknowledges that from the point this conference was scheduled to the present, the parties have substantially narrowed the number of contested discovery responses at least as propounded to Speedishuttle.
- 2 Following the ruling by the administrative law judge on September 27, 2016, Speedishuttle has provided well over 550 pages of documents in response to the requests by Shuttle Express. In response to the requests by Speedishuttle, Shuttle Express has provided only incomplete narrative discovery responses with a mere six pages of data, and objected to each and every request. Though Shuttle Express chronically complains that Speedishuttle’s responses are incomplete and hindering their case preparation, Shuttle Express has provided no guidance as to what would actually satisfy the overbroad requests other than literally “a key to the warehouse” characterization of what it is seeking.

SPEEDISHUTTLE'S REPORT AND UPDATE OF DISCOVERY
DISPUTE IN ADVANCE OF DECEMBER 2, 2016
HEARING/CONFERENCE - 1

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

II. SUMMARY OF THE DISPUTE

A. Shuttle Express' Data Requests to Speedishuttle.

3 The requests which Speedishuttle understands Shuttle Express contends remain at issue are DR
2, 12, and 14-16, as of November 29. Speedishuttle addresses each in turn below. DR 2 and DR
12 are best analyzed together, as they are essentially the two opposite sides of the same coin.

4 Regarding DR 2, the administrative law judge ruled on September 27, 2016 that Speedishuttle
must provide “correspondence that demonstrates how Speedishuttle is executing the business
plan approved by the Commission, and providing only the service it is authorized to provide.”
Similarly regarding DR 12, the administrative law judge ruled “Speedishuttle must provide all
documents that concern Speedishuttle providing service other than the service described in the
business plan approved by the Commission.”

5 Speedishuttle notes that it presented a business “model” to the Commission which was
summarized in Final Order 04, but technically a “business plan” which was never filed,
advocated or advanced. The business **model** set forth at paragraph 21 of Order 04 finds:

the proposed service uniquely targets a specific subset of consumers seeking
door-to-door service to and from the airport: those who are tourists, tech-savvy, or
non-English speaking. Speedishuttle’s business model thus includes luxury
vehicles, significantly increased accessibility for non-English speaking customers,
individually-tailored customer service, tourism information, and Wi-Fi service.

6 At paragraph 24 of Order 04, the Commission abbreviates that to “luxury vehicles, and proposes
to provide services that would be very useful, if not critical, for non-English speaking and
foreign travelers.” Speedishuttle has provided Shuttle Express all details regarding its fleet,
copies of its multi-lingual websites, documentation of its multi-lingual IOS App, detail of the
languages spoken by its staff, details of its greeter staffing, verification of Wi-Fi and

Speedishuttle TV availability in its luxury vehicles and all of its ticket agent agreements to demonstrate that it has at all times complied with “the business model approved by the Commission.” However, it cannot prove a negative, (DR 12), and has consistently, categorically denied providing any service it is not authorized to provide by its business model and certificate. Speedishuttle has no documents demonstrating it has provided any service it is not authorized to provide. Further, any other correspondence cannot be reasonably calculated to lead to admissible evidence, or be proportional to the needs of this case. Rather, it would prejudice Speedishuttle by serving to reward its competitor with its confidential proprietary work product and strategies. Nor is that relevant to how Speedishuttle is executing any business model approved by the Commission. The reason for this is simple: Speedishuttle does not provide service it is not authorized to provide, i.e. shared rides between points in King County and locations other than SeaTac International Airport or to or from points outside King County.

7 Again, Shuttle Express has never articulated throughout this protracted dispute what specific other material/“documents” it is seeking and how they could possibly lead to admissible evidence. Shuttle Express cannot claim these requests are reasonably calculated to lead to the production of admissible evidence at all, because they effectively demand all documents which Speedishuttle generates merely by operating its business.

8 Further, Speedishuttle initially provided the below as part of its response to Shuttle Express on September 30, 2016:

Speedishuttle has begun preliminary searches to attempt to comply with this request. However the likely custodian email boxes contain in excess of 350,000 emails. The searches ran result in almost entirely irrelevant or nonresponsive hits. Such a production is disproportionate to the needs of this case and overly burdensome for Speedishuttle to review. **Speedishuttle requests reasonable**

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search terms to be provided by Shuttle Express for review and, presuming they are reasonable, Speedishuttle will run those searches limited to a handful of custodians and then report back on the volume of results.

(emphasis added). At no point following that production response did Shuttle Express provide any information to narrow the possible searches or provide any search terms. Absent such provision, the broad direction to provide any document related to either engaging in operations consistent with the business model (DR 2) or inconsistent with the business model (DR 12) is quite potentially every document which Speedishuttle has ever generated while operating its business in Washington. That demand is unreasonably broad, not proportional to the needs of this case and, frankly, improper, especially where the businesses are at a minimum indirectly competing with each other in an industry (airporter service) the Commission since 2013 has classified as “competitive” and in fact, intensely so. In reality, it is an attempt to obtain customer lists, marketing innovations, intellectual property, and growth strategies for purposes outside of this litigation. This again is highly improper and should this information be disclosed or used outside of litigation, it could well create exposure to business tort claims in the absence of any protective order availability. Speedishuttle’s response is thus fully sufficient.

9 Regarding DRs 14-16, the administrative law judge ruled that Speedishuttle must provide documents to demonstrate the cost of doing business in Washington.

10 As the administrative law judge has also ruled, this request is only relevant to the issue of whether Speedishuttle is providing service below cost. Speedishuttle has offered to formally stipulate that it is not making a profit as a start-up.¹ Speedishuttle only applies rates submitted to, analyzed and formally approved by the Commission. Shuttle Express has never responded to

¹ Which this Commission has expressly found does not constitute predatory pricing. See Docket No. TC-910789, *In re Everett Airporter Services Enterprises, Inc. v. San Juan Shuttle, Express, Inc. d/b/a Shuttle Express* (Jan. 1993).

its stipulation offer nor propounded a data request seeking that admission. Again, Speedishuttle has at all times provided service consistent with the business model ostensibly approved by the Commission in Order 04 as the company understands the Order.

11 Nevertheless, Speedishuttle has been assiduously working with the Complainant in the absence of a protective order for a competitive industry, to work out a compromise on production. Speedishuttle has prepared a summary financial document with explanations. Speedishuttle has attempted up to the eleventh hour to obtain agreement from Shuttle Express in such a way as to treat this detailed proprietary information as confidential and keep it out of the public record. At the time of this writing, Shuttle Express has not yet formally agreed to recent revisions to that document, but Speedishuttle is hopeful it will and this may well be at least temporarily resolved by Friday's conference.

12 In addition, Speedishuttle sought clarification from Shuttle Express as to what specific documents were being requested in DRs 14-16 or would otherwise satisfy Shuttle Express. No clarification has been forthcoming. This is an important consideration because Speedishuttle has again agreed to stipulate that it has not made an operating profit in Seattle. However, to take just a couple examples, producing a balance sheet or an income statement would not be informative as to that circumstance. Speedishuttle's balance sheet is not a reflection of its cost of operations and serves only to show what it pays for its vehicles and how it finances itself – information which Shuttle Express cannot possibly use to lead to admissible evidence that Speedishuttle is pricing below cost. Speedishuttle's income statement reflects the fixed costs of having the infrastructure in place to be able to provide service to a single customer or thousands of customers. The business objective then is to sell its services at a price that provides a

contribution margin over and above its variable costs (driver wages, payroll taxes and benefits, fuel, vehicle repairs and maintenance and merchant account fees). Profit (above fixed costs) is only realized when customer numbers reach the point that the total contribution margin exceeds the total fixed costs. During the startup phase, a business needs to focus on building its customer base. Therefore, financial documents cannot lead to admissible evidence that Speedishuttle is pricing below cost. Speedishuttle posits instead the alternative that perhaps the administrative law judge will accept a comparison of Speedishuttle's fares with those that were charged by Shuttle Express at the time Speedishuttle received its certificate. Speedishuttle would gladly expend the time and resources to provide this information to demonstrate that its pricing has never been predatory as alleged in the complaint and could only be below cost if Shuttle Express' pricing is similarly below cost. Moreover, Order 04 at Paragraph 25, found that the Commission "requires only that an applicant demonstrate that it has the ability to start up the business, not that it is able to operate the business over the long term," citing a March, 1991 Shuttle Express Final Order and the 2013 Commission rulemaking in support of that premise. Thus the pertinence of the entire allegation of "serving below cost" as the sole remaining issue in the complaint case is now dubious. This appears to be a legal issue which may well now need to be addressed in a Motion for Summary Determination and this should be resolved by ruling without further discovery.

B. Speedishuttle's Outstanding Data Requests to Shuttle Express.

13 Though Shuttle Express has unceasingly complained that Speedishuttle has not responded to its overly broad discovery, it takes the opposite tact when it is called upon to respond to discovery directed to it. On September 7, 2016, Speedishuttle issued its 14 data requests to Shuttle Express

which are attached as Exhibit A. On September 20, 2016, Shuttle Express responded with narrative responses, objecting to each and every request. On September 30, 2016 Speedishuttle requested a meet and confer, which ultimately took place on October 5, 2016. After unilaterally staying its own discovery to Shuttle Express for the majority of the interval in which its petition for reconsideration of Order 08 was extant, Speedishuttle sent a letter dated November 8, 2016 to Shuttle Express outlining the specific deficiencies in Shuttle Express' responses to the outstanding data requests. In response, Shuttle Express elected to essentially stand on its initial objections.

14 In DR 1, Speedishuttle requests Shuttle Express identify the last time it used Rescue Service or service to an airport passenger subject to WUTC jurisdiction by an independent contractor and/or a driver who was not an employee of Shuttle Express. Shuttle Express objected to this request, and limited its response to "rescue service" and provided a date of January 14, 2014.

15 As Speedishuttle informed Shuttle Express, this response is incomplete. The request is reasonably calculated to lead to discoverable evidence to Speedishuttle's defense in that, among other things, the service historically provided by independent contractors outside of Shuttle Express' authorization may account for some of the reduction in airport trips Shuttle Express seeks to blame on Speedishuttle and has repeatedly asked Shuttle Express to provide additional explanations which have not been forthcoming.

16 In DR 4, Speedishuttle requests that Shuttle Express "[d]escribe in detail all efforts you initiated to have Speedishuttle Washington, LLC's "Speedishuttle's" decision in March 2015 reversed, revised or diminished/restricted by the Commission. Provide all written correspondence, emails, memoranda, notes or other contemporaneous records referencing contacts, meetings or efforts to cancel, restrict or

otherwise diminish Speedishuttle's certificate and/or "relitigate" the matter." Shuttle Express objects to the request as essentially not relevant.

17 It is unclear if Shuttle Express is stating that Speedishuttle's summary of efforts encompasses the entire effort of Shuttle Express, or if it is using its multiple objections to withhold responsive information without being specific. The information is relevant to demonstrate Shuttle Express' true motivations for this action, to flesh out Speedishuttle's defenses against Shuttle Express' accusations of wrongdoing, and demonstrate that this complaint and litigation may be brought entirely for an improper purpose, without a good faith basis of any of the claims asserted being supported by evidence.

18 In DR 5, Speedishuttle requested Shuttle Express to "please identify the first year following issuance of Shuttle Express' certificate from the WUTC in 1989, when you reported a profit in regulated operations to the Commission or any other entity."

19 For its response, Shuttle Express asserts a series of objections, including that the request is not reasonably calculated to lead to the discovery of admissible evidence. Next it essentially said it does not have the documents, or if it does, it does not want to look for them because a search might not be successful.

20 The documents are undoubtedly relevant to defending the accusation by Shuttle Express that Speedishuttle is selling below cost. A simple comparison is probative if not dispositive. Second, it is unclear what, if any, attempt was made to locate the archived documents. Any complaint of burden is substantially tempered when this targeted request is compared to the many untargeted overly broad requests propounded by Shuttle Express.

- 21 In DR 6, Speedishuttle requests Shuttle Express “provide all written correspondence, emails, memoranda notes and/or any other contemporaneous records of contacts between the Port of Seattle and/or its staff and Shuttle Express from October 2014 to the present regarding prospective or existing service at Seattle-Tacoma International Airport by Speedishuttle.”
- 22 Shuttle Express essentially objects as irrelevant, and appears to copy and paste in an objection from another response. The information sought is undoubtedly reasonably calculated to lead to the discovery of admissible evidence as to what and how Shuttle Express is seeking to exclude and prohibit Speedishuttle from participating and implementing “the business model” approved by the Commission. Speedishuttle suspects that this litigation was initiated after informal efforts either failed, or were deemed not effective enough, and Speedishuttle is entitled to investigate whether Shuttle Express ever had a good faith basis to initiate this litigation, or if it is simply another avenue to attack Speedishuttle’s market presence and extant certificate. For example, Speedishuttle seeks information to determine whether Shuttle Express has used its influence with the Port of Seattle to prevent Speedishuttle from staging vehicles in the same manner than Shuttle Express does, and preventing or impeding Speedishuttle waiting for customers. This also effectively reduces the number of customers on each shuttle and harms profitability. Evidence could well reveal this is sham litigation.
- 23 In DR 7, Speedishuttle requests identification of the formal complaints brought by third parties against the operations of Shuttle Express. Shuttle Express objects as too burdensome, despite undoubtedly having records of such complaints. Speedishuttle has identified some of those proceedings and simply seeks confirmation that there are not others. Shuttle Express is uniquely

positioned to identify such complaints in various forums, and the basis of those complaints is directly relevant to Speedishuttle's defenses to the present litigation.

24 DR 12 and 13 can be analyzed together. In DR 12, Speedishuttle requests Shuttle Express to provide a list of all entities to whom it made payments or commissions as compensation for referrals or bookings from October, 2013 to the present. DR 13 requests information regarding ticket commissions to various hotels and employees.

25 Shuttle Express objects as not relevant, refuses to answer, and stands on its objections. Speedishuttle strongly disagrees, as it has reason to believe Shuttle Express provides unreported commission payments to individuals who should have a ticket agent agreement on file with the Commission. This is directly relevant to Speedishuttle's affirmative defenses and contention that Shuttle Express violates the law and cannot be providing service to the satisfaction of the Commission. It also directly bears on any argument by Shuttle Express that Speedishuttle's fares are predatory where Shuttle Express provides undisclosed commissions as part of their fares, necessarily inflating the fare amount required to make a profit. The administrative law judge should order Shuttle Express to respond.

26 In DR 14, Speedishuttle seeks statistical data for each reservation or trip from January 1, 2013 to date between SeaTac Airport and specified destinations. Though Shuttle Express agreed it was material and to work toward resolution with Speedishuttle, no documents have yet been provided. Shuttle Express also objects, characterizing the requested information as "trip data" and attempts to only respond if the Commission requires Respondent to provide reservation and trip data. This is a false equivalence.

27 The information sought is directly relevant to the question of whether Speedishuttle is even competing with Shuttle Express by providing the “same service.” Speedishuttle has reason to believe that Shuttle Express did not actually offer or has otherwise suspended door-to-door service to identified locations and therefore service by Speedishuttle could not conflict with the Complainant, as it offers a very different service.

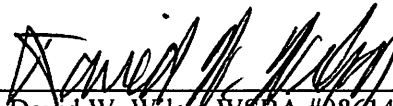
III. CONCLUSION

28 Speedishuttle has provided thorough and sufficient responses and has supplemented and continued to supplement its production throughout this process as required by WAC 480-07-405(8). Yet, Shuttle Express complains the responses are insufficient and are indispensable to its direct testimony, while providing no direction to clarify what it is truly seeking. It is obvious Shuttle Express will never be satisfied before the entirety of the business records generated by Speedishuttle from 2014 to the present are produced – a completely improper, disproportionate, and indefensible result. Shuttle Express has admitted its overarching goal is to put Speedishuttle out of business before next summer. In light of the issues in this case, Speedishuttle has provided specific responses which are directly responsive and proportional to the needs of this litigation. The Commission should relieve Speedishuttle of further production obligations.

29 By contrast, Shuttle Express effectively stalls and stonewalls the majority of requests by Speedishuttle which seek to explore particularly the affirmative defenses it has raised and to which it is entitled in this action, including but not limited to, “unclean hands.” Therefore, the Commission should order Shuttle Express to supplement its discovery responses immediately, or alternatively, order an informal discovery conference with a third-party facilitator for a thorough presentation and resolution of these issues as soon as possible.

DATED this 30th day of November, 2016.

RESPECTFULLY SUBMITTED,

By  _____
David W. Wiley, WSBA #08614
dwiley@williamskastner.com
Daniel J. Velloth, WSBA # 44379
dvelloth@williamskastner.com
Attorneys for Speedishuttle Washington, LLC

SPEEDISHUTTLE'S REPORT AND UPDATE OF DISCOVERY
DISPUTE IN ADVANCE OF DECEMBER 2, 2016
HEARING/CONFERENCE - 12

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2016, I caused to be served the original and one (1) copy of the foregoing document and attachment to the following address via first class mail:

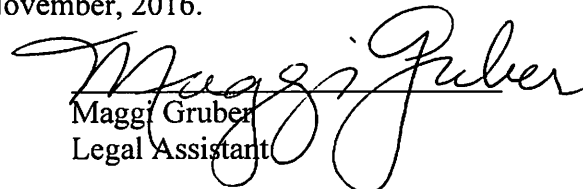
Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
Attn.: Records Center
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

I further certify that I have also provided to the Washington Utilities and Transportation Commission's Secretary an official electronic file containing the foregoing documents and attachments via the WUTC web portal;

and served a copy via email to:

| | |
|--|---|
| <p>Julian Beattie Assistant Attorney General 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>Greg Kopta Director/Administrative Law Judge 1300 S. Evergreen Park Drive SW P.O. Box 47250 Olympia, WA 98504-7250 (360)-664-1355 gkopta@utc.wa.gov</p> |
| <p>Brooks Harlow Lukas, Nace, Gutierrez & Sachs, LLP 8300 Greensboro Dr. Suite 1200 McLean, VA 22102 (703) 584-8680 Email: bharlow@fcclaw.com</p> | <p>Rayne Pearson Administrative Law Judge 1300 S. Evergreen Park Drive SW P.O. Box 47250 Olympia, WA 98504-7250 360-664-1136 rpearson@utc.wa.gov</p> |

Dated at Seattle, Washington this 30th day of November, 2016.


Maggi Gruber
Legal Assistant

SPEEDISHUTTLE'S REPORT AND UPDATE OF DISCOVERY
DISPUTE IN ADVANCE OF DECEMBER 2, 2016
HEARING/CONFERENCE - 13

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

EXHIBIT A

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SHUTTLE EXPRESS, INC.,
Petitioner and Complainant,

v.

SPEEDISHUTTLE WASHINGTON,
LLC,
Respondent.

DOCKET NOS.
TC-143691 & TC-160516

FIRST DATA REQUESTS OF
SPEEDISHUTTLE WASHINGTON, LLC TO
SHUTTLE EXPRESS, INC.

TO: PETITIONER/COMPLAINANT SHUTTLE EXPRESS, INC.

Please respond to the following data requests pursuant to WAC 480-07-400 *et seq.*

“Commission” or “WUTC” below means the Washington Utilities and Transportation Commission.

I. DATA REQUESTS

1. When was the last time you provided “rescue service” or service to an airport passenger subject to WUTC jurisdiction by an independent contractor and/or a driver who was not an employee of Shuttle Express?
2. Please provide reviewed or audited financial statements for Shuttle Express, Inc. from 2013 to the present.
3. Provide a list of all lawsuits brought for or against Shuttle Express, Inc. in Washington State from 2013 to the present.
4. Describe in detail all efforts you initiated to have Speedishuttle Washington, LLC’s “Speedishuttle’s” decision in March 2015 reversed, revised or diminished/restricted by the Commission. Provide all written correspondence, emails, memoranda, notes or other contemporaneous records referencing contacts, meetings or efforts to cancel, restrict or otherwise diminish Speedishuttle’s certificate and/or “relitigate” the matter.

FIRST DATA REQUESTS OF SPEEDISHUTTLE WASHINGTON,
LLC TO SHUTTLE EXPRESS, INC -I

5. Please identify the first year following issuance of Shuttle Express' certificate from the WUTC in 1989, when you reported a profit in regulated operations to the Commission or any other entity.
6. Provide all written correspondence, emails, memoranda notes and/or any other contemporaneous records of contacts between the Port of Seattle and/or its staff and Shuttle Express from October 2014 to the present regarding prospective or existing service at Seattle-Tacoma International Airport by Speedishuttle.
7. Please provide a list of all formal complaint actions brought by third-parties and/or the WUTC staff against the operations of Shuttle Express from 1989 to the present at the WUTC by docket number, case name and date of Final Order.
8. Provide documents that reflect, show or relate to loans or capital investments to Complainant by shareholders, financial institutions, corporate affiliates, or third parties, including the amounts, dates, terms and any related documents, such as applications, agreements, bank statements, demands, repayments, reports, extension, renewals, guarantee financing agreements and/or security interests.
9. List all companies who provided regulated auto transportation service in Washington that have been acquired by you through asset purchase, stock acquisition or other method since 1989. Also, identify if any of those companies filed formal or informal complaints against Shuttle Express at the WUTC and/or in court since 1989 before or that were pending at the time Shuttle Express acquired them.
10. Provide any and all documents or data that reflect the background timing, notice to customers and/or the commission that reflect shuttle Express' decision to cease door-to-

door shared ride, reservation service between SeaTac Airport and any downtown Seattle or Bellevue hotels and the Seattle piers.

11. Provide copies of passenger reports to the Port of Seattle by Shuttle Express that reflect/earmark passenger counts by door-to-door and schedule service categories. Further provide any and all bases used to separate and classify passenger revenues in reports to the Port of Seattle and for annual regulatory fees paid to the WUTC.
12. Please provide a list of all entities including names, addresses and telephone numbers to whom you made payments or commissions as compensation for referrals or bookings from October, 2013 to the present including descriptions of all such arrangements. In answering, note whether any such agreements or arrangements have been submitted to the WUTC for review and approval and under what docket numbers and date of approval of Order.
13. Describe all arrangements from 2013 to the present by which Shuttle Express provides compensation for ticket commissions to various hotels or employees and contractors of such hotels, including but not limited to the Crowne Plaza, the Hyatt Regency Bellevue and the Westin Seattle. Has Shuttle Express sought and/or received approval for any such arrangements from the WUTC? If so, when was that approval received and under what docket numbers?
14. Please provide statistical data for each reservation or trip from January 1, 2013 to date between Sea Tac Airport and:
 - Bellevue/Eastgate: Hyatt Regency, Coast Hotel, Sheraton, Silver Cloud, Courtyard – Marriott, Residence Inn, Hotel Bellevue, Day's Inn, Larkspur Landing, Embassy Suites, Courtyard Marriott, Hampton Inn;
 - Issaquah Area: Motel 6, Holiday Inn, Hilton Garden Inn; University District: McMahan Hall, Terry Hall, Lander Hall, University Inn, Hotel Deca, Silver Cloud, Watertown, Travelodge;

FIRST DATA REQUESTS OF SPEEDISHUTTLE WASHINGTON,
LLC TO SHUTTLE EXPRESS, INC.3


- Kirkland Area: Baymont Inn, Carlton Inn, Motel 6, Comfort Inn, Woodmark, LaQuinta;
- Overlake/Redmond Area: Redmond Inn, Silver Cloud, Courtyard – Marriott, Residence Inn, Fairfield Inn;
- Renton Area: Econolodge, Quality Inn & Suites;
- Seattle Area: Renaissance, Crowne Plaza, Fairmont Olympic, Sheraton, Grand Hyatt, Westin, Warwick, Hyatt at Olive 8, Quality Inn & Suites, Courtyard – Marriott, Springhill Suites, Four Points, Best Western Executive Inn, Silver Cloud, Edgewater, Marriott Waterfront, Motif, Hotel 5, Paramount, Maxwell Hotel, Pier 91, Pier 66, Holiday Inn, Holiday Inn & Suites, W Hotel; Northgate Area: Hotel Nexus;

including, but not limited to, Hudson date/time stamps for:

- reservation time of day,
- ready to go time of day,
- on board time of day,
- location and drop off time of day,
- service type, number of passengers,
- how they reserved the transportation (*e.g.*, phone, computer, smartphone, in person),
- the fare(s) paid,
- the number of passengers carried in each vehicle on the same trip,
- the number and location of stops per trip,
- the time for each trip, and
- Hudson system fields for TripID and ShiftID.

DATED this 7 day of September, 2016.

RESPECTFULLY SUBMITTED,

By 
 David W. Wiley, WSBA #08614
dwiley@williamskastner.com
 Attorney for Speedishuttle Washington, LLC

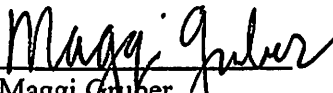
FIRST DATA REQUESTS OF SPEEDISHUTTLE WASHINGTON,
 LLC TO SHUTTLE EXPRESS, INC 4

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2016, I caused to be served the foregoing document to the following address via email and or US mail: :

| | |
|---|---|
| <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>Brooks Harlow Lukas, Nace, Gutierrez & Sachs, LLP 8300 Greensboro Dr. Suite 1200 McLean, VA 22102 (703) 584-8680 Email: bharlow@fcclaw.com</p> |
|---|---|

Dated at Seattle, Washington this 7th day of September, 2016.


Maggi Gruber
Legal Assistant