

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1-360-664-1222**

In re Application of)	
)	DOCKET TC-143864
NORTHWEST SMOKING & CURING,)	
INC., d/b/a SEATAC DIRECT,)	ORDER 01
)	
for extension of service under passenger)	ORDER GRANTING
transportation company certificate)	APPLICATION
C-65454.)	
.....)	

1 On November 10, 2014, Northwest Smoking & Curing, Inc., d/b/a SeaTac Direct (SeaTac Direct) filed an application with the Washington Utilities and Transportation Commission (Commission) in accordance with RCW 81.68 requesting extension of service under passenger transportation company certificate C-65454 to provide the following service:

PASSENGER SERVICE DOOR-TO-DOOR, BY RESERVATION ONLY,
within Bellingham city limits and Best Western Plus Lakeway Inn.

2 The application appeared on the November 20, 2014 application docket. The application received comments from three stakeholders.

3 On December 3, 2014, Bremerton-Kitsap Airporter, Inc. (Bremerton-Kitsap) filed an objection to the application on the grounds that SeaTac Direct seeks authority to operate a taxi service within the city limits of Bellingham, and therefore the application should be directed to the City of Bellingham, not the Commission.

4 On December 16, 2014, and again on January 29, 2015, the Commission received comments from the Whatcom Transportation Authority (WTA). WTA is a Public Transportation Benefit Area authorized to provide local transit services under RCW Chapter 36.57A. WTA noted that pursuant to RCW 36.57A, "no person or private corporation shall operate a local public passenger transportation service, including passenger-only ferry service, within the public transportation benefit area" (Emphasis added). WTA however did not object to the proposed expanded service, if such service is specifically linked with the auto transportation service between the Best Western Plus Lakeway Inn and SeaTac International Airport. Accordingly, WTC requested, pursuant to WAC 480-30-116(2)(a)(vii), that a restrictive condition be included as part of any approval of the application.

5 On December 23, 2014, the Commission received comments from Seatac Shuttle, LLC. Seatac Shuttle asserted that SeaTac Direct's proposed *pro forma* suggests earnings that

place its rate structure “outside the bounds of any margin ever contemplated by the Commission or the other certificate holders.” Seatac Shuttle also agreed with the comments filed by WTA and Bremerton Kitsap.

- 6 On January 8, 2015, the Commission issued a Notice of Response to Filings to all parties that the Commission would not convene a brief adjudicative proceeding to hear objections to the application. Under WAC 480-30-116(2), an existing auto transportation company may object to an application for new authority or an extension of authority published in the application docket only if the company holds a certificate that authorizes the same service and the company provides the same service published in the application docket. The Commission declined to schedule a brief adjudicative proceeding in this docket because no existing carrier claimed to provide the same service that the applicant seeks to provide. As the Commission noted in a letter issued January 12, 2015, the Commission did not dispose of stakeholder comments. All comments were forwarded to Commission Staff for analysis of the issues raised during the evaluation phase of the application process.
- 7 On January 16, 2015, Staff filed a memorandum containing its review and analysis of the proposed rates included in the application. Staff concluded that the proposed rate for door-to-door service, when combined with its rate for scheduled service, for a trip from any point within the city limits of Bellingham to SeaTac International Airport is very similar to the maximum flexible fare rates charged by other regulated auto transportation companies providing door-to-door service to SeaTac International Airport. Staff further found that the combined rates as proposed by SeaTac Direct are not “outside the bounds of any margin ever contemplated by the Commission or the other certificate holders.”
- 8 Upon review of all comments filed as well as applicable laws and regulations, Staff determined that the proposed service is an auto transportation service under the Commission’s jurisdictional authority because it provides an extension of SeaTac Direct’s existing auto transportation service between the Best Western Plus Lakeway Inn in Bellingham and SeaTac International Airport. To resolve the outstanding concerns raised in comments, Staff worked with WTA and SeaTac Direct to craft a restrictive condition to the extension of authority. Accordingly, Commission Staff, WTA and SeaTac Direct jointly propose adding the limitations to the proposed service, as follows:

Limitations: All door-to-door passenger service between points in Bellingham Washington must connect with transportation between the Best Western Plus Lakeway Inn and SeaTac International Airport. Passenger transportation between locations within the City of Bellingham without continued travel to or from SeaTac International Airport is prohibited.
- 9 In support of the request to extend its authority, SeaTac Direct provided several letters from members of the public who live in the communities involved. Their letters indicate a need for service that is currently not served on the route.

- 10 The Commission, having considered the application and being fully advised, finds that SeaTac Direct is fit, willing, and able to provide the proposed service and that the proposed service is necessary and will be a convenience to the public. In addition, the Commission agrees that adding the limitation language, as proposed, is in the public interest for SeaTac Direct and those companies that commented on this application.
- 11 After reviewing the evidence submitted, and due to the fact that no service of this nature is presently available over this route, the Commission will issue the requested authority.

ORDER

THE COMMISSION ORDERS:

- 12 (1) The application filed by Northwest Smoking & Curing, Inc., d/b/a SeaTac Direct, in Docket TC-143864, is granted, conditioned upon compliance with the laws and rules governing passenger transportation companies, and that passenger transportation company certificate C-65454 is amended to read as follows:

PASSENGER SERVICE DOOR-TO-DOOR, BY RESERVATION ONLY,
within Bellingham city limits and Best Western Plus Lakeway Inn.

Limitations: All door-to-door passenger service between points in Bellingham Washington must connect with transportation between the Best Western Plus Lakeway Inn and SeaTac International Airport. Passenger transportation between locations within the City of Bellingham without continued travel to or from SeaTac International Airport is prohibited.

SCHEDULED PASSENGER SERVICE BETWEEN: Closed door service
between Best Western Plus Lakeway Inn in Bellingham to SeaTac International
Airport.

No passengers may be picked up between the points in Bellingham to SeaTac
International Airport.

- 13 (2) The tariff and time schedule filed in connection with this application will become effective at 12:01 a.m. on the day following the service date of this Order.

The Commission has delegated authority to the Secretary to enter this Order under RCW 80.01.030 and WAC 480-07-905(6)(a).

DATED at Olympia, Washington and effective February 10, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site.

The Commission will schedule your request for review by issuing a notice of hearing to be held before an administrative law judge. The Commission, at its discretion, may consider your request for review in an adjudicative proceeding under RCW 34.05 Part IV, or in a brief adjudicative proceeding under RCW 34.05.482 through .494. Following hearing, the administrative law judge will enter an initial order. If you wish to seek review of the initial order, you may file a petition for administrative review under RCW 34.05.464, or if the matter is heard in a brief adjudicative proceeding, under RCW 34.05.491.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3), and WAC 480-07-905, as amended effective September 22, 2008.