

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

BREMERTON KITSAP AIRPORTER,  
INC.,

Respondent.

DOCKET TC-180796

ORDER 02

GRANTING MOTION FOR LEAVE  
TO WITHDRAW TARIFF AND TIME  
SCHEDULE PROVISIONS  
SUSPENDED BY ORDER 01,  
CANCELLING HEARING, AND  
CLOSING DOCKET

**BACKGROUND**

- 1 On September 10, 2018, Bremerton Kitsap Airporter, Inc. (BKA or Company) filed with the Washington Utilities and Transportation Commission (Commission) Time Schedule #24 and revisions to its currently effective Tariff 10, designated as Fourth Revised Title Page, Eighth Revised Page 1, Tenth Revised Page 2, Seventh Revised Page 3, Eighth Revised Page 4, and Ninth Revised Page 5. The stated effective date is October 1, 2018. Time schedule #24 adds a new stop at the Holiday Inn Express located at 11751 Pacific Highway SW, Lakewood, Washington; the other tariff revisions constitute administrative changes to tariff rule language and do not affect rates.
- 2 Pacific Northwest Transportation Services, Inc. d/b/a Capital Aeroporter Tours and Charters (Capital Aeroporter) contacted Commission staff (Staff) with concerns about the Company's Time Schedule #24 and Time Schedule #24 Original Page 1 because the Holiday Inn Express falls within its territory. The Commission construes Capital Aeroporter's stated concerns as an objection to the Company's proposal pursuant to WAC 480-30-136.<sup>1</sup>

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<sup>1</sup> The Commission liberally construes pleadings and motions to effect just results. WAC 480-07-395(4).

- 3 The matter was heard by the Commission at its regularly scheduled open meeting on September 27, 2018.
- 4 On September 27, 2018, the Commission entered Order 01, Complaint and Order Suspending Proposed Time Schedule; Allowing Tariff Revisions to Become Effective by Operation of Law (Order 01). Order 01 suspended Time Schedule #24 and Time Schedule #24 Original Page 1, and stated that the Commission would hold a hearing regarding the proposed time schedules.
- 5 On October 15, 2018, the Commission issued in this docket a Notice Requiring Additional Filing and Notice of Brief Adjudicative Proceeding (Notice), setting a hearing for November 19, 2018.
- 6 On October 23, 2018, the Company filed a letter in this docket requesting to withdraw the portion of the tariff and time schedule suspended by Order 01. The Commission construes the Company's letter as a motion for leave to withdraw.<sup>2</sup>

### DISCUSSION AND DECISION

- 7 Washington Administrative Code (WAC) 480-07-380(3)(a) states that a party must receive permission from the Commission to withdraw its tariff after the Commission has already issued a hearing notice.
- 8 Pursuant to WAC 480-07-380(3)(b), the Commission will grant a party's motion to withdraw a petition when the requested withdrawal is in the public interest.
- 9 The dispute in this docket concerns whether the Company may serve the Holiday Inn Express located at 11751 Pacific Highway SW, Lakewood, Washington. When a certificated company seeks to extend or add to its territory, the company must submit an application for extension of existing certificate authority pursuant to WAC 480-30-116 and follow the other guidelines found in chapter 480-30 WAC. Notably, the procedures established by rule permit an existing auto transportation company to object to the application and require an objecting company to file certain documents.<sup>3</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> *See* WAC 480-30-116.

- 10 The Company has noted that it intends to file an application to extend its certificate authority to include the Holiday Inn Express and perhaps other locations. Granting the Company's request to withdraw would permit the Company to file such an application as well as permit any interested company to respond appropriately to that application. As such, we find that authorizing the Company to withdraw its proposed tariff revisions and file an application to extend its service territory will allow for additional process that will aid the Commission in making an informed decision. Additionally, granting the Company's request would not affect the Commission's decision in Order 01 to allow the tariff revisions designated as Fourth Revised Title Page, Eighth Revised Page 1, Tenth Revised Page 2, Seventh Revised Page 3, Eighth Revised Page 4, and Ninth Revised Page 5, filed on September 19, 2018, to become effective October 1, 2018, by operation of law.
- 11 For the reasons set out above, the Commission finds it in the public interest to permit the Company to withdraw those portions of its tariff and time schedule suspended by Order 01 and cancel the brief adjudicative proceeding. The Commission, therefore, grants the Petition for leave to withdraw, cancels the hearing, and closes this docket.

### ORDER

#### THE COMMISSION ORDERS:

- 12 (1) Bremerton-Kitsap Airporter, Inc.'s motion to withdraw those portions of its tariff and time schedule suspended by Order 01 in Docket TC-180796 is granted without prejudice.
- 13 (2) The hearing set for Monday, November 19, 2018, at 1:30 p.m. is cancelled.
- 14 (3) Docket TC-180796 is closed.

DATED at Olympia, Washington, and effective October 26, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANDREW J. O'CONNELL  
Administrative Law Judge