

December 12, 2016

Via Email: records@utc.wa.gov

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

Attn: Administrative Law Judge Rayne Pearson

Re: Shuttle Express, Inc. v. Speedishuttle Washington, LLC; TC-143691 & TC-160516;
Speedishuttle's Request for a Deposition Conference to Facilitate Deposition Process and
Scheduling

Dear Mr. King:

As discussed in greater detail below, we are writing to request a deposition conference to facilitate the deposition process in the above-referenced proceeding pursuant to WAC 480-07-410(2).

Shuttle Express, through its counsel, informed Speedishuttle that it wishes to depose Cecil Morton, Speedishuttle's CEO in this proceeding, and ultimately filed and served a deposition notice for the deposition of Cecil Morton on December 1, 2016 for January 31, 2017.

Speedishuttle has not identified Cecil Morton as a witness in this proceeding. Although his testimony may have been pertinent to the proceeding had Shuttle Express been permitted to relitigate the BAP which resulted in the entry of Order 04, Order 08 expressly foreclosed that possibility. Thus, Speedishuttle believes his testimony is irrelevant to the issues now narrowed in this proceeding.

In addition to the concerns addressed above, Cecil Morton is not available for a deposition in the State of Washington. He is a resident of Hawaii and busy operating Speedishuttle's sister company in Hawaii. Speedishuttle has notified counsel for Shuttle Express of these concerns, yet Shuttle Express filed a notice for his deposition to be taken in Washington.

Notwithstanding jurisdictional questions raised by notice of the deposition of Cecil Morton, the information actually germane to this proceeding may be sought from a different witness whose deposition places a lesser burden on Speedishuttle. Thus, even should Shuttle Express concede that Cecil Morton must be deposed in Hawaii, his deposition should be disallowed by the Commission. Toward that end, Speedishuttle has already offered the deposition of that person, Jack Roemer, for

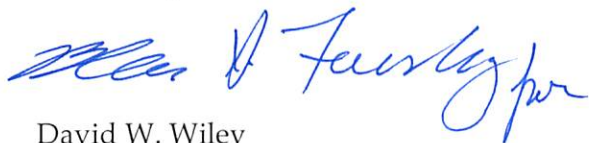
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whom Shuttle Express has also filed and served a notice of deposition for January 31, 2017. Mr. Roemer is the CFO of Speedishuttle Washington and is the management person most familiar with Speedishuttle Washington's operations since service began in May 2015. Though he is also not a resident of the State of Washington, his deposition places a significantly lesser burden on Speedishuttle and therefore he has been identified as a witness and will be offered for deposition in Washington.

Rather than seek a protective order at this point, Speedishuttle is requesting a deposition conference with the Administrative Law Judge and requesting that the deposition of Cecil Morton, CEO of Speedishuttle, be disallowed pursuant to WAC 480-07-410. Should it assist the Commission or Administrative Law Judge, Speedishuttle will provide briefing regarding the jurisdictional issues involved in Shuttle Express's notice of deposition in the context of a motion for protective order.

Yours truly,

A handwritten signature in blue ink, appearing to read "David W. Wiley".

David W. Wiley

cc: Brooks Harlow *via email*
Julian Beattie AAG *via email*