

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION**

In re Request for Fuel Surcharge :  
:   
SeaTac Shuttle, LLC D/B/A : Docket No. TC-050733  
Whidbey-SeaTac Shuttle :   
: Motion of SeaTac Shuttle, LLC  
: To withdraw Request for  
: Fuel Surcharge  
:   
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**COMES NOW Seatac Shuttle, LLC**, *in pro per* , responding to TC-050733  
Order NO. 01.

**I. NAME AND ADDRESS OF PLEADING PARTY**

The pleading party's name and address are:

SeaTac Shuttle, LLC	
P.O. Box 2895	1321B Barlow
Oak Harbor, Wa 98277	Oak Harbor, Wa. 98277
(mailing)	(physical)

**II. RULES AND STATUTES RELEVANT TO THIS PLEADING**

This pleading involves RCW 81.04.130, WAC 480-07-380 , WAC 480-149-170, Docket # A-042090 Order No. 2

**III SUMMARY OF MOTION TO WITHDRAW**

The Commission should allow SeaTac Shuttle, LLC to withdraw its request for Fuel Surcharge TC-050733. The requested surcharge is not supported by staff and has been denied by the Commission and is no longer valid under current fuel pricing.

#### IV BACKGROUND

On May 17<sup>th</sup>, 2005, SeaTac Shuttle filed a request for a Fuel Surcharge under the requirements of A-042090 Order No. 2 as served upon SeaTac Shuttle On May 3, 2005. SeaTac Shuttle attempted, to the best of its ability, to follow the rules of Order No. 2 in filing the request. However, it determined that Order No. 2 was incomplete and incorrect in its construction and did not provide a methodology that resulted in any possible calculation of a fuel surcharge.

SeaTac Shuttle had conversations with Messers. Eckhardt and Colbo of the WUTC staff during which they acknowledged that Order No. 2, which they drafted, was not a workable document and was incorrect. They then denied SeaTac Shuttle's filing under Order No. 2. Following the direction Docket No. A-042090 in the *CONCLUSION* section of ITEM B1 which was the requesting and supporting document of Order No. 2 of the same docket number, to wit: "*This delegation must be based on a specific method, but establishing a specific method **should not and does not preclude the consideration of a new or revised methods that might be suggested by the regulated companies.***", SeaTac Shuttle, filed TC-050733 Request for supplemental fuel surcharge with the Commission.

At the regularly scheduled open meeting of the Commission on May 24, 2005, the Commission denied SeaTac Shuttles request based upon staff's recommendation and issued Order NO. 1 reflecting that denial.

#### V. THE COMMISSION SHOULD ALLOW SEATAC SHUTTLE TO WITHDRAW ITS FUEL SURCHARGE REQUEST.

Since the date of the open meeting and the denial of the fuel surcharge request, fuel prices have begun to drop and the immediate trend is for them to continue to fall. Under current staff policy and recommendations, SeaTac Shuttle **will not qualify** for a fuel surcharge in the foreseeable future. Therefore, pursuing the subject fuel surcharge request is moot and goes against the desire of SeaTac Shuttle.

**VI. CONCLUSION**

SeaTac Shuttle, to the best of its ability, following the published instructions in A-042090 Order No.2 filed for a fuel surcharge. When it was determined that it was not possible for SeaTac Shuttle to comply with Order No. 2, it filed its request at the regularly scheduled open meeting of the Commission as suggested in B1 A-042090. At that meeting its request was denied. Subsequent to that time fuel prices have dropped and any further examination or re-evaluation of this particular request would be a waste of time and effort on the part of both staff and the company. Therefore, SeaTac Shuttle, LLC, seeks to withdraw its fuel surcharge request in docket # TC-050733.

DATED this 3<sup>rd</sup> day June, 2005

SeaTac Shuttle, LLC

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Michael Lauver, Vice President