

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TC-120323
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 02
)	
v.)	
)	ORDER DENYING CONTINUANCE
)	
SHUTTLE EXPRESS, INC.,)	
)	
)	
Respondent.)	
.....)	

BACKGROUND

- 1 This proceeding arises out of a Complaint filed on May 1, 2013, by the Washington Utilities and Transportation Commission (Commission) against Shuttle Express, Inc. (Shuttle Express or Company). On August 1, 2013, the Commission conducted an evidentiary hearing in this matter.

- 2 The Commission required the parties to file post-hearing briefing, individually or jointly, on the options and prospects for resolving an apparent conflict between WAC 480-30-213(2) and the operational demands of providing door-to-door airport shuttle service. The Commission directed the parties to brief their preferred course(s) of action to ensure future regulatory compliance. The briefs are due no later than 4:30 p.m. on Friday, September 20, 2013.

MOTION FOR CONTINUANCE

- 3 On August 26, 2013, Shuttle Express filed a Motion for Continuance (Motion) seeking a postponement of the post-hearing briefing deadline by six months, to February 28, 2014. Shuttle Express requests this delay in order to file and pursue a petition for exemption from WAC 480-30-213. Shuttle Express asks for sufficient time to complete that proceeding before an initial order is entered in this docket.¹

¹ Shuttle Express Motion ¶ 12.

4 Shuttle Express argues that good cause exists to continue this litigation and await the outcome of a petition for exemption. Specifically, Shuttle Express suggests that “[a] going forward resolution would narrow the issues in this docket to a determination of what penalty, if any, should be imposed on Shuttle Express” and might even “enable the parties to find common ground to settle” the complaint.²

DISCUSSION AND DECISION

5 Shuttle Express misinterprets the purpose of the post-hearing briefing the Commission has required. The complaint alleges that the Company repeatedly violated WAC 480-30-213 and seeks penalties for those alleged violations. The Commission has conducted an evidentiary hearing on those issues, which fully developed the factual record needed to reach a decision on the allegations in the complaint. The sole purpose of the post-hearing briefing is to obtain the parties’ positions on the likelihood that the Company’s business operations will once again be in alleged conflict with this Commission rule.³

6 Delaying the required post-hearing briefing would not facilitate the ability of Shuttle Express to file a petition for exemption from WAC 480-30-213 or to take any other action to ensure the Company’s compliance with Commission rules. This complaint proceeding is already limited to “to a determination of what penalty, if any, should be imposed on Shuttle Express” for its past behavior, and the Commission need not delay resolution of that issue pending the conclusion of any remedial actions the Company takes in the future. Therefore, the Commission does not find good cause for a continuance and declines to grant any further delay in this matter.

² *Id.* ¶ 14.

³ In determining the amount of any penalty to be imposed on Shuttle Express, the likelihood that any proven violations will recur is just one of the factors the Commission must consider. *See* Notice Requiring Post-Hearing Briefing (Aug 5, 2013).

ORDER

7 THE COMMISSION ORDERS That Shuttle Express, Inc.'s Motion for Continuance is DENIED.

Dated at Olympia, Washington, and effective August 29, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge