

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

In re Application No. D-079116 of

CWA, INC. D/B/A CENTRAL
WASHINGTON AIRPORTER,

For a Certificate of Public Convenience
and Necessity to Operate Motor Vehicles
in Furnishing Passenger and Express
Services as an Auto Transportation
Company

Docket No. TC-021402

BRIEF OF COMMISSION STAFF ON
APPLICATION OF CWA, INC.

I. INTRODUCTION

1 CWA, Inc., d/b/a Central Washington Airporter (“CWA”) has filed an application pursuant to RCW 81.68.040 to obtain a bus certificate. The evidence in the record shows that although the route that CWA proposes to serve is also served by another carrier, no other certificated carrier provides the type and frequency of service that CWA proposes to provide.

2 The application was published on the Commission’s November 25, 2002, application docket. No protests to the application were received. Because of an overlap of the requested authority with the authority held by other carriers, RCW 81.68.040 requires that the application be granted only “after hearing.”

CWA requested that the hearing be held on a paper record. Commission Staff, as the only other party to the hearing, did not object to the matter being decided on a paper record, but suggested certain points that were incorporated into the testimony and exhibits to be filed by the applicant.

II. SCOPE OF PROPOSED SERVICE

3 CWA seeks authority under RCW 81.68.040 to provide what it describes
as

“a premium airporter service” involving “passenger service between Yakima, Ellensburg, Cle Elum, and Seattle-Tacoma International Airport and selected points in Downtown Seattle, with service to intermediate points via State Route # 97 and Interstate Highways # 5, # 82, # 90, and # 405. No service will be provided between any points within King County.”

4 One of the points in downtown Seattle that CWA will serve is the Amtrak train station. No certificated carrier in the state of Washington currently provides service between Yakima, Ellensburg, Cle Elum and the downtown Seattle Amtrak station. Due to the way it has restricted its application, CWA will not be authorized to transport passengers between Seattle-Tacoma Airport and points in downtown Seattle, including the downtown Seattle Amtrak station. This restriction eliminates any conflict with the authority held by Evergreen Trails, Inc. d/b/a Gray Line of Seattle (Certificate 819) and Shuttle Express, Inc.

(Certificate 975) the two local Seattle carriers.

III. STANDARD FOR OBTAINING A BUS CERTIFICATE

5 In order to grant CWA's application, the Commission must find that
(1) the public convenience and necessity requires granting CWA's application,
because there is a public need for CWA's proposed airporter service; (2) the
existing certificate holder in the territory CWA seeks to serve does not provide
service to the satisfaction of the Commission; and (3) that CWA is fit, willing, and
able to provide the proposed service. *RCW 81.68.040.*

A. Overlapping Authority

6 Two other carriers currently hold certificated authority to serve parts of
CWA's proposed route; Greyhound Bus Lines, Inc., (Certificate 16)
("Greyhound") and Genie Service Company, Inc., (Certificate 1033) ("Genie").
Neither Genie nor Greyhound protested the application.

7 Greyhound offers bus service between Yakima, Ellensburg, Cle Elum and
Greyhound's downtown Seattle bus station. Greyhound has the authority to
provide service over Interstate Highways 90 and 405, and State Route 97.
Importantly, Greyhound does not offer direct service from Yakima, Ellensburg,
and Cle Elum to Seattle-Tacoma International Airport or Amtrak's Seattle station,

which are two locations CWA proposes to serve.

8 Genie has the authority to provide service between Walla Walla and Seattle with service to Richland and Yakima; between Seattle and Clarkston with intermediate stops, and between Seattle and Pullman with intermediate stops. Genie recently requested, and received, the Commission's permission to discontinue service over these routes. While Genie has authority to provide service to Seattle, it holds no authority to serve Seattle-Tacoma International Airport.

B. CWA Has Demonstrated That Existing Carriers Do Not Meet The Need For Service Along its Proposed Route.

9 CWA's brief, beginning at page 3, outlines and summarizes the testimony submitted in support of its application. The testimony shows that persons in Yakima, Ellensburg, and Cle Elum perceive a need for the proposed service, and would use the service. The testimony shows that the existing carriers who provide service to some of the points on the proposed route do not provide service that meets the needs of potential passengers, because of scheduling and limitations on where they provide service to.

C. The Applicant is Fit, Willing, and Able to Provide Service

10 The applicant, CWA, does not itself have an operating or financial history

that the Commission can review. However, CWA's president, Larry Wickkiser, has a long history of providing certificated service in other areas of the state. The experience and education of CWA's principals is summarized beginning at page 8 of CWA's brief. CWA also specifically addresses, in both its supporting testimony and its' brief in support of the application, its equipment maintenance, driver training, and other safety procedures the company will employ. The financial information included in the application shows adequate resources to begin operations. CWA has made arrangements with other businesses that will enable it to provide safe and efficient service, if the certificate is granted. See Testimony of Larry Wickkiser, Ex.__(LW-1DT), pages 3-6.

IV. CONCLUSION

11 It appears to Commission Staff that the applicant meets the standards set out in statute and Commission precedent to receive a certificate as requested.

RESPECTFULLY SUBMITTED this 24th day of March, 2003.

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