

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application TC-091931 of)	DOCKET TC-091931
)	
SHUTTLE EXPRESS, INC.)	ORDER 03
)	
For Extension of Authority under)	
Certificate No. C-975, For a Certificate)	PREHEARING CONFERENCE
of Public Convenience and Necessity to)	ORDER;
Operate Motor Vehicles in Furnishing)	
Passenger and Express Service as an)	NOTICE OF HEARING
Auto Transportation Company)	(Set for November 30, 2010
)	at 9:30 a.m.)
.....)	

- 1 **NATURE OF PROCEEDING.** Docket TC-091931 involves an Application filed by Shuttle Express, Inc. (Shuttle Express or Applicant) with the Washington Utilities and Transportation Commission (Commission) on December 16, 2009, seeking an extension of Certificate No. C-975 for a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company (Application).

- 2 The Commission published notice of the Application in its weekly Docket of Tuesday, December 22, 2009, and, on January 20, 2010, SeaTac Shuttle, LLC d/b/a Whidbey SeaTac Shuttle (SeaTac Shuttle), electronically submitted a protest to the Application via the Commission’s web portal.

- 3 **CONFERENCE.** The Commission convened a prehearing conference in this matter at Olympia, Washington, on Tuesday, September 28, 2010, before Administrative Law Judge (ALJ) Adam E. Torem.

- 4 **PARTY REPRESENTATIVES.** Brooks E. Harlow, Seattle, Washington, represents Shuttle Express. John Solin and Mike Lauver, Oak Harbor, Washington, represent SeaTac Shuttle, *pro se*.

- 5 **PETITIONS FOR INTERVENTION.** The Commission has not received any petitions to intervene in this docket. Commission Staff has not made an appearance.

6 **PROTECTIVE ORDER AND DISCOVERY.** The parties have not requested a protective order in this case, nor have the parties requested any modification to the Commission's formal discovery rules.

7 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on Tuesday, **November 30, 2010, at 9:30 a.m.**, in the **WSDOT Third Floor Conference Room, Goldsmith Bldg, 401 Second Avenue South, Suite 300, Room 350, Seattle, Washington.**

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **3 copies** of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

9 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

10 A copy of all filings **must** be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to [<records@utc.wa.gov>](mailto:records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus **3 paper copies**, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. *WAC 480-07-145(6)*. Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties **must** simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge identified on Appendix A to this Order as well as to the parties to the proceeding.

12 Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS Word) format.

13 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal resolution of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited resources but can provide dispute resolution services in some cases, if requested. If parties wish to explore those services, they should contact the Director of the Administrative Law Division, Administrative Law Judge Gregory J. Kopta, at 360-664-1355.

14 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective October 6, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKET TC-091931

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
SHUTTLE EXPRESS	BROOKS E. HARLOW Miller Nash LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101-2352	206-777-7406 206-622-8484	206-622-7485	<u>brooks.harlow@millernash.com</u>
SEATAC SHUTTLE	JOHN SOLIN MIKE LAUVER P.O. Box 2895 Oak Harbor, WA 98055	360-679-4003		<u>john@seatacshuttle.com</u> <u>mike@seatacshuttle.com</u>
Admin. Law Judge	ADAM E. TOREM 1300 S Evergreen Park Dr. SW P.O. Box 47250 Olympia, WA 98504-7250	360-664-1138	360-664-2654 [ALD fax only – do <i>not</i> use to file]	<u>atorem@utc.wa.gov</u>

APPENDIX B

PROCEDURAL SCHEDULE

DOCKET TC-091931

EVENT	DATE	INTERVAL
Prehearing Conference	Tuesday, September 28, 2010	—
Exchange witness lists and hearing documents with other parties and file with Commission	Friday, November 12, 2010	45 Days
Exchange Cross-Exam Exhibits	Tuesday, November 23, 2010	11 Days
Evidentiary Hearing	Tuesday, November 30, 2010	7 Days
Closing Arguments / Briefs (if necessary)	To be Determined (if necessary)	—