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BEFORE THE WASHINGTON STATE UTILITIES
AND TRANSPORTATION COMMISSION

In the Matter of the Application of

EAGLE TOWNCAR SERVICE, LLC.

DOCKET TC-240717

PACIFIC NORTHWEST
TRANSPORTATION SERVICES’
RESPONSE IN OPPOSITION TO
EAGLE TOWNCAR SERVICE,
LLC’S MOTION TO STRIKE
OBJECTION AND TO GRANT
TEMPORARY APPLICATION

I. RELIEF REQUESTED

1. Pacific Northwest Transportation Services d/b/a Premier Airport Shuttle/Capital Aeroporter (“*PNTS*”) files this response in opposition to Eagle Towncar Service, LLC’s (“*Eagle Towncar*” or “*Company*”) Motion to Strike Objection (“*Motion*”) and to Grant Temporary Application. PNTS has standing to object to Eagle Towncar’s Temporary and Permanent Application under WAC 480-30-116(2) and respectfully requests the Commission to deny Eagle Towncar’s Motion, deny its request for granting its temporary application on an expedited basis, and keep the Brief Adjudicative Proceeding (BAP) for January 6, 2025, as currently set.

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II. STATEMENT OF FACTS

2. On September 23, 2024, Eagle Towncar filed an application for temporary authority as an auto transportation company, proposed scheduled service between five (5) Bellevue-area hotels and Sea-Tac Airport, docketed under TC-240717.

3. On September 25, 2024, the Commission issued a Notice of Temporary Auto Transportation Application and later, that same day, issued a Revised Notice of Temporary Auto Transportation Application.

4. On October 15, 2024, PNTS filed an objection to the Eagle Towncar’s temporary application.¹ PNTS attached its own certificate C-862.²

5. On November 7, 2024, Eagle Towncar’s legal counsel, specifically requested the scheduled Prehearing Conference (PHC) be canceled and replaced with a Brief Adjudicative Proceeding (BAP), as stated via email to all parties:

More than one Commission rule indicates this proceeding would be suitable for a BAP. The auto transportation rules provide that the adjudication of an objection, such as this one, “will be accomplished in the simplest and most expeditious manner consistent with state law.” WAC 480-30-116(3). WAC 480-07-610(2)(f) similarly lists “[a]pplications for authority to provide auto transportation service to which a company properly objects” as being suitable for a BAP. Therefore, we believe a BAP would be most suitable, which would not involve a PHC.³

¹ Declaration John E. Fricke in Support of Pacific Northwest Transportation Services’ Response in Opposition to Eagle Towncar Service LLC’s Motion to Strike Objection dated November 21, 2024 (“*Fricke Decl.*”) at ¶5 and Exh. A and B.

² *Id.*

³ Fricke Decl. at ¶7 and Ex. C.



1 6. On November 13, 2024, Staff agreed this matter would be appropriate for a BAP and
2 the Commission found “there is good cause to cancel the PHC and hear the matter at a BAP.” The
3 Commission canceled the PHC and set the BAP for January 6, 2025, at 9:30 a.m.

4 7. On November 13, 2024, Eagle Towncar filed an application for permanent authority
5 reflecting the authority previously sought in the temporary certificate application as an auto
6 transportation company, docketed under TC-240856.

7 8. On November 14, 2024, Eagle Towncar filed its Motion to Strike PNTS’ objection with
8 a request for an expedited hearing and ruling on its temporary certificate application prior to
9 November 26, 2024.

10 9. On November 19, 2024, PNTS submitted its Auto Transportation Permanent
11 Application for Extension of Authority (“*Permanent Application*”) with the Commission.⁴
12 PNTS’ Permanent Application requests for an extension of its existing auto transportation
13 certificate C-862 providing scheduled passenger service between SeaTac Airport and the
14 downtown areas of Redmond, Kirkland, and Bellevue.

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16 10. On the same day, on November 19th, Eagle Towncar filed its “updated” and original
17 financial forecast and balance sheet for the first time with the Commission to complete Eagle
18 Towncar’s application.⁵

19 11. PNTS’ Counsel now submits this response in opposition to Eagle Towncar’s Motion.
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24 ⁴ Fricke Decl. at ¶8.

25 ⁵ Fricke Decl. at ¶9 and Ex. E.



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III. STATEMENT OF ISSUES

12. Whether the Commission should deny Eagle Towncar’s Motion when PNTS’s objection is proper and PNTS has standing? **YES.**

13. Whether the Commission should deny Eagle Towncar’s request for an expedited hearing when Eagle Towncar’s application was deficient and Eagle Towncar agreed to a BAP hearing scheduled for January 6, 2025? **YES.**

IV. EVIDENCE RELIED UPON

13. This response relies upon the papers, files, and pleadings of record with the Washington State Utilities and Transportation Commission (UTC) Docket TC-240717, TC-240856, and the Declaration of John Fricke dated November 21, 2024, together with exhibits attached thereto.

V. ARGUMENT AND AUTHORITY

A. PNTS has Standing to Object to Eagle Towncar’s Application.

14. PNTS’ has a pending Permanent Application for the same service in an overlapping territory as applied for by Eagle Towncar on November 14, 2024. PNTS currently has a certificate C-862 to operate door-to-door and scheduled passenger service between SeaTac Airport and portions of King County.⁶ Eagle Towncar’s temporary and permanent auto transportation application is seeking scheduled service between Bellevue-area hotels and SeaTac; Eagle Towncar’s requested service would overlap the areas serviced with the existing authority of PNTS.⁷ As evidenced above, PNTS has standing to object to Eagle Towncar’s temporary and

⁶ Fricke Decl. at ¶¶5-6 and Ex. B.

⁷*Id.*



1 permanent application because Eagle Towncar’s auto transportation services requested in its
2 applications partially overlaps in territory with PNTS.

3 15. In reviewing Eagle Towncar’s application, the Commission may consider if PNTS is
4 providing the “same service” under WAC 480-30-140. Pursuant to WAC 480-30-140, the
5 Commission may consider many factors such as the type, means, and methods of service provided,
6 whether the type of service provided reasonably serves the market, whether the population density
7 warrants additional facility or transportation, the proposed route, the topography, character, and
8 condition of the territory in which the objecting company provides service and in which the
9 proposed service would operate.

10 16. One cannot conclude without additional information and testimony from PNTS that it does
11 not provide the same service or that it does not have standing to object to Eagle Towncar’s
12 application which is why a BAP is appropriate once an objection to an application has been filed.
13 In reviewing applications under Chapter 480-30, the Commission will also consider whether
14 increased competition will benefit the traveling public, including its possible impact on
15 sustainability of service. WAC 480-30-140(1)(b).
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17 17. Accordingly, PNTS has standing with a pending Permanent Application with overlapping
18 territory as Eagle Towncar’s temporary and permanent application and PNTS’ objection should
19 not be stricken.

20 **B. A Brief Adjudicative Proceeding (BAP) is Proper When an Objection has Been Filed,**
21 **not an Expedited Hearing.**

22 18. Pursuant to WAC 480-30-136, the Commission will consider applications for which an
23 objection has been received through brief adjudicative proceedings under WAC 480-07-610,
24 unless the presiding officer determines, based on the facts and circumstances presented, that a
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1 hearing or different process is required. PNTS timely filed its objection on October 15, 2024, and
2 Eagle Towncar and PNTS already agreed and Commission confirmed the BAP is set for January
3 6, 2025, at 9:30 a.m. Not only should the BAP continue as scheduled, PNTS will be prejudiced if
4 Eagle Towncar's expedited hearing is granted and PNTS is not provided the opportunity and
5 adequate time to gather and present additional information to support the nature of its objection at
6 the expedited hearing or BAP. Such additional information requested from the Commission for a
7 BAP may include statements from independent witnesses to demonstrate that PNTS is providing
8 the same service as the proposed service, and that the traveling public will be harmed by granting
9 the application. *See* WAC 480-30-136(2) and 480-30-140. The additional information provided
10 by the objecting party will allow the Commission to determine whether or not the objecting
11 company will provide the same service. *Id.* PNTS will be prejudiced and harmed if its objection
12 is stricken and an expedited hearing granted to Eagle Towncar. Accordingly, Eagle Towncar's
13 Motion must be denied.

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15 19. As PNTS' Permanent Application was filed within thirty days after Eagle Towncar's
16 application, the Commission may consolidate applications for authority for joint consideration
17 under WAC 480-30-131. Under these circumstances, not only is a BAP appropriate, but judicial
18 economy would call for consolidating the applications for joint consideration. Eagle Towncar has
19 presented no evidence of good cause or to warrant an expedited hearing. However, as detailed
20 above, having an expedited hearing would greatly prejudice PNTS. For the above reasons, PNTS
21 respectfully requests the Commission to deny Eagle Towncar's request for an expedited hearing
22 for grant of temporary application.
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1 **C. Eagle Towncar’s Temporary Application was Deficient, There is Evidence of UTC**
2 **Violations, and Eagle Towncar’s Temporary Application Should not Be Granted.**

3 20. Eagle Towncar filed its temporary application on September 23, 2024, but failed to provide
4 an original ProForma Balance Sheet and Income Statement as required under WAC 480-30-
5 096(3)(g). Eagle Towncar did not provide a projected balance sheet and income statement for the
6 first twelve months of operation until November 19, 2024.⁸ Because Eagle Towncar’s application
7 was missing information as required under WAC 480-30-096(3), its application was deficient and
8 incomplete until three (3) days ago.⁹ Eagle Towncar’s temporary application in Docket TC-
9 240717 should only be considered complete, fulfilling the requirements of WAC 480-30-096, as
10 of November 19, 2024, not September 25, 2024.

11 21. There is evidence that Eagle Towncar is already in violation of RCW 81.68.010, RCW
12 81.68.040, WAC 480-30-091, and WAC 480-30-105 as the laws pertain to the unauthorized sale
13 of tickets and operating without authority for a service the company is not currently authorized to
14 provide. Without first having obtained from the Commission under RCW 81.68.040 a certificate
15 declaring that public convenience and necessity require such operation, Eagle Towncar is currently
16 selling tickets and collecting money from members of the traveling public for unauthorized
17 transportation service to begin December 1, 2024.¹⁰ This is extremely concerning.

18 22. Also concerning is Eagle Towncar advertises as “The Bellevue Airport Shuttle” but only
19 Eagle Towncar, no other “doing business as” names, are registered with the Washington State
20 Department of Licensing.¹¹ Eagle Towncar has applied for the Auto Transportation Authority –
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23 ⁸ Fricke Decl. at ¶9 and Ex. E.

24 ⁹ *Id.* at ¶10.

25 ¹⁰ *Id.* at ¶11 and Ex. F.

¹¹ *Id.* at ¶12 and Ex. G.



1 not Bellevue Airport Shuttle which is the widely marketed name and company already operating.¹²
2 Eagle Towncar is not registered as a “Public Service Corporation” and their vehicles are most
3 likely not registered as “Auto Stage” class vehicles.¹³ As such, Eagle Towncar’s drivers
4 qualification files and vehicle inspections are also most likely not up to the required standards.¹⁴

5 23. Based on the above, because Eagle Towncar’s application was deficient and incomplete
6 until most recently and there is evidence of code violations, Eagle Towncar’s request for an
7 expedited hearing and grant of temporary application should be denied.

8 VI. CONCLUSION

9 24. As shown, there are material issues concerning Eagle Towncar’s application, PNTS has
10 standing, and PNTS respectfully request that the Commission deny Eagle Towncar’s Motion to
11 Strike Objection, find that PNTS has standing and to not strike its objection, continue with the
12 scheduled BAP hearing currently set for January 6, 2025, and deny Eagle Towncar’s request for
13 an expedited ruling for grant of temporary application.
14

15 Respectfully submitted on November 21, 2024.

16
17 HOLMQUIST + GARDINER, PLLC

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19
20 By: 

21 Hamilton H. Gardiner, WSBA #37827
22 Attorney for PNTS

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24 ¹² *Id.* at ¶13.

¹³ *Id.* at ¶14.

¹⁴ *Id.*

