

BREMERTON-KITSAP AIRPORTER, INC.
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10 January 2011

Washington Utilities and
Transportation Commission
P.O. Box 47250
Olympia, WA 98504

RE: Shuttle Express Docket # TC-102067

Subject Docket #102067 revises Shuttle Express, Inc. Tariff No. 7, reflecting new auto transportation service to areas in Snohomish, Kitsap and Island counties.

Bremerton-Kitsap Airporter, Inc. hereby protests this action inasmuch as Permit No. C-000975 permits “ Passenger and Express Airporter Service”

“Between: The Seattle-Tacoma International Airport, Boeing Field, Renton Airport, and Paine Field and points within the Seattle Commercial Zone in King and Snohomish Counties and excluding points in Kitsap and Pierce Counties”. We take this to mean all territories in Kitsap and Pierce Counties that are already being served by a certificated Auto Transportation Company.

Please note that the exclusion cited in the Shuttle Express Authority names specific pick-up points that we once served in our territory. We no longer pick up at the Safeway in Gig Harbor and Pearls by the Sea in Purdy which is no longer in business. The naming of specific stops in the Shuttle Express tariff implies that perhaps stops by Shuttle Express across the street from our stops are permitted? The issue here is the Bremerton-Kitsap Airporter, Inc., Certificate C-903 grants authority to serve territory and routes within that territory, not the specific stops cited in the Shuttle Express authority and proposed Certificate of Authority.

Our territory as cited in our certificate C-903, which was issued in September 1979, is "Between Bangor Submarine Base or Poulsbo and Seattle-Tacoma International Airport, via SR305, SR3, SR16 and I-5 or as alternative routes for convenience of the carrier, any combination of SR 305, SR 3, SR 304, SR 160, SR 16---". The only territorial limitation on our service is "Service between the corner of Bantz Blvd. and Sixth Ave. in Tacoma and the Seattle-Tacoma International Airport is restricted to closed door operations". Therefore our authority includes the territory between the Bangor Submarine Base or Poulsbo and the corner of Bantz Blvd. and Sixth Avenue in NW Tacoma which includes the municipalities of Purdy and Gig Harbor in Pierce County and applicable NW Tacoma postal zip codes.

RCW 81.68.010 and RCW 81.68.040 (Attached) clearly state "between fixed termini or over a regular route" and nowhere in the applicable RCW's are we restricted to specific stops within our authorized territory or along our route. Moreover, RCW 81.68.040 sets specific requirements before authority is granted to an operator who requests operating authority to operate in a territory already served by a certificate holder. These requirements have not been met in the instant case of Shuttle Express.

I am therefore protesting the Tariff Revision to Shuttle Express Tariff No. 7 which is to be heard before the Commissioners Open Meeting on January 13, 2011 (TC-102067).

Sincerely,

Richard E. Asche

Richard E. Asche
President

2 Enclosures