

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In re the Application of</p> <p>SPEEDISHUTTLE WASHINGTON, LLC d/b/a SPEEDISHUTTLE SEATTLE</p> <p>For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company</p>	<p>DOCKET TC-143691 <i>(Consolidated)</i></p> <p>ORDER 13</p>
<p>SHUTTLE EXPRESS, INC.,</p> <p style="text-align: right;">Complainant,</p> <p>v.</p> <p>SPEEDISHUTTLE WASHINGTON, LLC d/b/a SPEEDISHUTTLE SEATTLE,</p> <p style="text-align: right;">Respondent.</p>	<p>DOCKET TC-160516 <i>(Consolidated)</i></p> <p>ORDER 06</p>
<p>SPEEDISHUTTLE WASHINGTON, LLC d/b/a SPEEDISHUTTLE SEATTLE,</p> <p style="text-align: right;">Complainant,</p> <p>v.</p> <p>SHUTTLE EXPRESS, INC.,</p> <p style="text-align: right;">Respondent.</p>	<p>DOCKET TC-161257 <i>(Consolidated)</i></p> <p>ORDER 03</p> <p>ORDER DENYING INTERLOCUTORY REVIEW OF ORDER 12/05/02</p>

BACKGROUND

1 On March 30, 2015, the Washington Utilities and Transportation Commission (Commission) entered a final order granting the application of Speedishuttle of Washington, LLC d/b/a Speedishuttle Seattle (Speedishuttle) for a certificate of public

convenience and necessity to operate as an auto transportation company in Docket TC-143691.

2 On May 16, 2016, Shuttle Express, Inc. (Shuttle Express) filed a Petition for Rehearing of Matters in Docket TC-143691 and a formal complaint against Speedishuttle in Docket TC-160516. On August 4, 2016, the Commission entered Order 06, Initial Order Granting Petition for Rehearing, and Order 07/02, Prehearing Conference Order and Order of Consolidation.

3 On December 1, 2016, Speedishuttle filed a formal complaint against Shuttle Express, alleging that Shuttle Express has used independent contractors and paid commissions to unauthorized agents in violation of Commission orders and rules.

4 On January 5, 2017, the Commission entered Order 12/05/02 consolidating the proceedings in Dockets TC-143691, TC-160516, and TC-161257 (Consolidation Order).

5 On January 9, 2017, Shuttle Express filed a “Petition for Qualified Limited Review” of the Consolidation Order (Petition). Shuttle Express’ request for interlocutory Commission review “is limited to the portion of the order that effectively delays the current hearing date of February 28, 2017 to as late as this May 15th.”¹ Shuttle Express contends that such a delay would result in irreparable harm because “[t]he profitability of an entire year usually depends on five peak travel months, beginning in May. Accordingly, if Speedishuttle is not required to comply with the business plan it sold to the Commission in its application—by the summer of 2017—the consequences may well be dire,”² including “a substantial risk of the loss of share ride van service to and from the airport.”³

6 On January 10, 2017, Speedishuttle filed an Answer to the Petition opposing interlocutory review and the relief Shuttle Express has requested.

DISCUSSION AND DECISION

7 We deny the Petition. As an initial matter, the Petition is premature. The Consolidation Order requires only that the parties “confer and propose a revised procedural schedule”

¹ Petition ¶ 1.

² *Id.* ¶ 3.

³ *Id.* ¶ 6.

that includes “hearing dates for two consecutive days *no later than* the week of May 15, 2017.”⁴ The Order did not suspend or otherwise alter the procedural schedule, and parties are required only to agree on revisions to the schedule or propose a schedule if they are unable to reach agreement. The Petition, therefore, requests that we assume the hearings will be delayed until the week of May 15. We are unwilling to do so.

8 Nor does the Petition demonstrate any substantial harm even if the Commission were to continue the hearings. The Petition appears to assume that preservation of the February 28 hearing date would result in a final resolution of this proceeding by this summer, but that is not the case. The existing schedule – to which all parties agreed – requires reply briefs by April 26, 2017, and the Commission will enter an initial order within 60 days of that date.⁵ Petitions for administrative review of the initial order would be due within 20 days,⁶ responses would be due 10 days later,⁷ and the Commission would enter a final order within 90 days after receiving the responses,⁸ *i.e.*, by October 24, well after the 2017 summer travel season ends.

9 Given the pattern of litigiousness in this proceeding, moreover, a petition for reconsideration of the final order appears inevitable, which would mean that even if the Commission can enter orders more expeditiously than our rule contemplates under the existing schedule, the Commission likely will not be able to render a final determination of the disputed issues until long after the time by which Shuttle Express alleges it will suffer irreparable injury. Shuttle Express, therefore, has failed to demonstrate any significant harm that would result solely from a short continuance of the evidentiary hearings.

10 We take this opportunity to urge the parties to negotiate and resolve their disputes, particularly over procedural issues, to the fullest extent possible. We are concerned that the constant flurry of motions, petitions, and correspondence the Commission has received is an inefficient use of party and Commission resources. If efficiency is not a sufficient incentive for greater cooperation, the parties should be aware that to the extent

⁴ Consolidation Order ¶ 12 (emphasis added).

⁵ WAC 480-07-820(3).

⁶ WAC 480-07-825(2).

⁷ WAC 480-07-825(4)(b).

⁸ WAC 480-07-820(3).

that the Commission's costs to conduct this proceeding exceed the regulatory fees Shuttle Express and Speedishuttle pay, the Commission has authority to require the companies to reimburse it for those costs.⁹

ORDER

11 **THE COMMISSION DENIES** the Petition of Shuttle Express, Inc., for Qualified Limited Review of Order 12/05/02.

DATED at Olympia, Washington, and effective January 17, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

A handwritten signature in black ink, appearing to read "Philip B. Jones", written over a horizontal line.

PHILIP B. JONES, Commissioner

ANN E. RENDAHL, Commissioner

⁹ RCW 81.20.020.