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BEFORE THE WASHINGTON STATE UTILITIES
AND TRANSPORTATION COMMISSION

In the Matter of the Application of

DOCKET TC-240717

EAGLE TOWNCAR SERVICE, LLC.

[PROPOSED] REPLY IN SUPPORT OF
MOTION TO STRIKE OBJECTION AND
TO GRANT TEMPORARY
APPLICATION

For Authority to Operate as an Auto
Transportation Company in the State of
Washington

**EXPEDITED RULING REQUESTED
PRIOR TO NOVEMBER 26, 2024**

1. Eagle Towncar Service LLC (Eagle Towncar or Company) submits this Reply in support of its Motion to Strike Objection and to Grant Temporary Application. Despite what it asserts, Pacific Northwest Transportation Service (PNTS) obviously does not provide the “same service” requested by Eagle Towncar. PNTS’s existing operations are thus not actually harmed by Eagle Towncar’s proposed service. If this was the case, PNTS would not have filed applications for scheduled service in the same territory as Eagle Towncar with the Commission *this very week*, an obvious admission against interest on its part. Because PNTS does not provide the “same service” in the same territory, it does not have standing to object. Its

EAGLE TOWNCAR’S [PROPOSED] REPLY IN SUPPORT OF
MOTION TO STRIKE OBJECTION AND TO GRANT
TEMPORARY APPLICATION - 1

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1 objection must be stricken, and Eagle Towncar’s temporary application should be granted
2 without any further delay.

3 **A. PNTS falsely claims that it provides the “same service” and confuses**
4 **distinctions in Commission rules.**

5 2. PNTS is simply wrong to suggest that it provides the “same service” requested by Eagle
6 Towncar. This is misleading in several respects. Pursuant to WAC 480-30-140(2)(a), when
7 determining whether one or more existing companies provide the “same service in the territory
8 at issue,” the Commission considers “[t]he certificate authority *granted*” (emphasis added), to
9 those existing companies. The Commission “views routes narrowly” and “[d]oor-to-door and
10 scheduled service in the same territory will not be considered the same service.” WAC 480-30-
11 140(2)(f), (g).
12

13 3. Despite its vague claims, PNTS has not been granted any authority for scheduled
14 service in the same territory as Eagle Towncar. PNTS therefore does not provide the “same
15 service” required for it to have standing to object. An existing company may properly object to
16 a new application “only if the company holds a certificate that authorizes the same service and
17 the company provides the same service published in the application docket.” WAC 480-30-
18 116(2). PNTS’s objection must therefore be stricken.
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20 4. Clearly, if PNTS provided the “same service” as Eagle Towncar, then PNTS would not
21 have filed temporary and permanent applications for authority *this very week* that are now
22 pending before the Commission in Docket TC-240898. PNTS’s own actions undermine any
23 claim that it provides the “same service.”
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1 5. PNTS also makes a number of factual assertions in its Response that confuse the
2 distinctions in Commission rules in an obvious and futile attempt to bootstrap its position here.
3 PNTS refers to its “pending Permanent Application” and its certificate granting authority for
4 door-to-door and scheduled service between SeaTac and King County, suggesting that mere
5 “overlap” is sufficient to constitute the same service. This is contrary to Commission rule as
6 noted immediately above. PNTS only here evinces a total misunderstanding of Commission
7 rules by challenging this point, and its arguments should be given no weight.

9 6. PNTS also suggests that more facts are needed to determine whether it provides the
10 “same service.” This is again wrong. The only issue is the grant of service on the face of
11 PNTS’s certificates. There should not be factual ambiguity about what certificates the
12 Commission has granted to existing companies.

13 **B. PNTS is again wrong to argue for delaying this Docket and Eagle Towncar’s**
14 **temporary application based on its own applications, filed mere days ago.**

15 7. PNTS is also wrong to suggest that its own applications, filed *mere days ago*, should
16 delay Eagle Towncar’s application for temporary authority, filed two months ago on
17 September 23, 2024. Pursuant to WAC 480-30-131(2), “Applications for overlapping authority
18 not filed within thirty days after the initial application appears on the application docket will be
19 decided after the conclusion of proceedings resolving the initial application and any other
20 application qualifying for joint consideration.”

22 8. It would only be appropriate to consolidate Eagle Towncar’s *permanent* application
23 with PNTS’s application dockets, not the present docket, which is concerned with Eagle
24 Towncar’s temporary certificate application. This Commission rule prevents pending
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1 applications from being derailed by later-filed applications, which is exactly what PNTS seeks
2 to do here now. PTNS's obfuscations should not be allowed to delay any longer resolution of
3 Eagle Towncar's request to commence regulated service on a temporary basis.

4 **C. PNTS also does not have standing to challenge Eagle Towncar's fitness to**
5 **operate.**

6 9. PNTS should not be permitted to raise any legitimate issues regarding Eagle Towncar's
7 fitness to operate or its use of "d/b/a's" at this juncture. Any such issues may be reasonably
8 addressed in Eagle Towncar's permanent application in Docket TC-240856.

9 10. Eagle Towncar wholly disputes that it has violated statute or WAC 480-30. WAC 480-
10 30-246 provides differing standards for investigating transportation companies operating
11 without required certificates, according to each specific industry (auto transportation, charter
12 and excursion service carrier, etc.). Eagle Towncar submits that it has not violated any of these
13 provisions pertaining to auto transportation companies. But more importantly, Eagle Towncar
14 is attempting to enter this regulated industry in good faith. The Company has applied for auto
15 transportation authority from the Commission, and has recently retained counsel. Eagle
16 Towncar is not attempting to provide or profit from any auto transportation services without
17 first obtaining that authority. At most, Eagle Towncar should be offered technical assistance to
18 support the Company's good-faith compliance as it pursues its certificate. *See* WAC 480-30-
19 246(1)(b)(ii) (noting the Commission may "provide education and technical assistance" to the
20 auto transportation company).

21 11. Finally, Eagle Towncar objects to the Declaration of John E. Fricke, which argues that
22 Eagle Towncar is not a registered "Public Service Corporation" and that Eagle Towncar's
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1 “drivers qualification [sic] files and vehicle inspections are also most likely not up to the
2 required standards.” This Declaration indicates that: (1) Mr. Fricke is not familiar with the
3 precise terms at issue in this proceeding, and (2) Mr. Fricke is willing to make broad and
4 speculative accusations against other proposed entrants in the absence of evidence. Such a
5 Declaration only serves to undermine Mr. Fricke’s credibility as a witness.
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7 12. For all these reasons, Eagle Towncar requests that the Commission strike PNTS’s
8 unfounded objection and grant Eagle Towncar’s temporary application on an expedited basis.

9 DATED this 22nd day of November, 2024.

10
11 /s/ Michael S. Howard
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