

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

LAKESIDE TRANSPORTATION
LLC,

For Authority to Operate as an Auto
Transportation Company in Washington

DOCKET TC-250362

ORDER 01

PREHEARING CONFERENCE
ORDER AND NOTICE OF VIRTUAL
EVIDENTIARY HEARING
**(Set for November 19-20, 2025,
at 9 a.m.)**

BACKGROUND

- 1 **NATURE OF PROCEEDING.** On May 21, 2025, Lakeside Transportation LLC (Lakeside or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as an auto transportation company in Washington. On May 23, 2025, the Commission issued a notice of pending application allowing affected parties 30 days to object to the application.
- 2 On June 20, 2025, Pacific Northwest Transportation Services, Inc. d/b/a Premier Airport Shuttle/ Capital Aeroporter (Pacific Northwest Transportation or PNTS) filed a protest to the application.
- 3 PNTS requested via email that the Commission convert the proceeding to a brief adjudicative proceeding (BAP). Lakeside objected to PNTS' request. The Commission notified the parties that it would allow for a written motion or an oral motion at the prehearing conference to convert the proceeding to a BAP.
- 4 On July 22, 2025, the Commission convened a virtual prehearing conference before the presiding Administrative Law Judge (ALJ) Jessica Kruszewski. At the hearing, PNTS motioned the Commission to convert the proceeding in this docket to a BAP. Counsel for Lakeside requested that the Commission deny PNTS' motion citing Lakeside's need for discovery. The presiding ALJ informed the parties that the Commission would issue a written decision on PNTS' motion to convert the proceeding to a BAP.

5 **MOTION TO CONVERT PROCEEDING.** Pursuant to WAC 480-07-375(1)(b), parties may make procedural motions requesting that “the [C]ommission establish or modify the process or the procedural schedule in a proceeding.”¹ BAPs are permitted under the following:

The commission may use brief adjudicative proceedings under RCW 34.05.482 when . . .

(c) Discovery and prefiled written testimony are not necessary to provide the commission with sufficient evidence to render a determination; and

(d) The commission believes that the issues presented can best be resolved through a brief adjudication consistent with the public interest. In exercising its discretion to conduct a brief adjudication, the commission will consider the preferences of the parties, the possible benefits to be gained from a brief adjudication, and the nature of issues involved.

In this matter, PNTS argued that converting this proceeding to a BAP would be consistent with Commission rules. PNTS argued that the issues in this matter are limited to the question of whether the objecting company (PNTS) holds a certificate to provide the same service in the same territory and whether PNTS provides the same service to the satisfaction of the Commission.² Lakeside argued that it requires “more evidentiary examination of facts” and requested the opportunity for discovery.³ Staff did not oppose the motion to convert and Public Counsel did not take a position.⁴

6 Although the Commission does not believe that discovery nor pre-filed written testimony are necessary to provide sufficient evidence for it to render a determination in this matter, we have considered the arguments of both PNTS and Lakeside and understand that Lakeside has taken a position that discovery is necessary for it to establish its case in this matter.

7 Pursuant to WAC 480-30-116(2), the issues in this matter are limited as follows:

¹ WAC 480-07-375(1)(b).

² Gardiner, TR 6:21-25; 7:1-2.

³ Phillips, TR 9:18-19,23.

⁴ O’Brien, TR 8:8-10; Sykes, TR 8:13-14.

An existing auto transportation company may object to an application for new authority or an extension of authority published in the application docket only if the company holds a certificate that authorizes the same service and the company provides the same service published in the application docket.⁵

8 Because Lakeside has argued that it requires discovery to fully litigate its position, PNTS' motion to convert proceeding to a BAP is denied. However, the scope of discovery and litigation will be defined by what is permitted by Commission regulations. The denial of the motion does not expand the scope of the issues beyond the applicable Washington State regulations and statutes. Accordingly, discovery will be limited to the issue of this proceeding established by WAC 480-30-116(2) and as discussed in paragraph 11 below.

9 **CONFERENCE.** The Commission convened a virtual pre-hearing conference on July 22, 2025, before Administrative Law Judge Jessica Kruszewski.

APPEARANCES. Mark D. Kimball and Benjamin R. Phillips of MDK Law represent Lakeside. Hamilton H. Gardiner and Michelle F. So of HOLMQUIST & GARDINER, PLLC represent PNTS. Colin O'Brien, Assistant Attorney General, represents Commission staff (Staff).⁶ Tad Robinson O'Neill, Jessica Johanson-Kubin, Alexandra Kory, and Robert Sykes, Assistant Attorneys General, represents the Public Counsel Unit of the Washington Attorney General's Office (Public Counsel).

10 **PROTECTIVE ORDER.** Per the request of the parties, a protective order will be issued in this docket by separate order.

11 **DISCOVERY.** In order to facilitate an efficient resolution to this matter, discovery will be immediately available to the parties and shall be conducted under RCW 34.05.446 and the Commission's discovery rules, WAC 480-07-400 – 425. Pursuant to RCW 34.05.466(2), discovery in Docket TC-250362 will be limited to the methods of discovery permitted by WAC 480-07-405 and methods of discovery explicitly permitted by WAC 480-07-400(2)(a). The taking of depositions will not be authorized in this docket unless a party sufficiently demonstrates to the Commission that the deposition of a

⁵ WAC 480-30-116(2).

⁶ In formal proceedings such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See RCW 34.05.455.

witness is necessary and that the evidence that may be discovered by such deposition is unavailable by any other means of authorized discovery pursuant to RCW 34.05.466. The Commission is not making a finding that the record in this docket meets the criteria listed in WAC 480-07-400(2)(b) but is permitting limited discovery based upon the request of a party to this proceeding.

- 12 Additionally, the Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objected to the Commission making the exchange of data request responses with all parties a requirement for discovery in this proceeding. Accordingly, the Commission requires the parties to share every data request response with all parties, subject to any confidentiality limitations contained in Commission rule and the protective order issued in this docket. To clarify, data requests and responses are not shared with the presiding officer unless those responses are offered as exhibits to be admitted into the record.
- 13 As mentioned herein, discovery in this matter will be limited to information relevant to the underlying issue as described in WAC 480-30-116(2). Should disagreement arise in discovery, the parties will be required to meet informally to resolve the discovery dispute. If the dispute cannot be resolved informally, a party may file a motion to resolve the matter pursuant to Commission rules. Such a motion must include information sufficient for the presiding officer to determine that the parties have made good faith efforts to resolve the dispute prior to filing a motion.
- 14 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference. The Commission adopts the proposed procedural schedule - which is attached to this Order as Appendix B.
- 15 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:
 - (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with [WAC 480-07-140\(6\)](#) in formatting, organizing, and identifying electronic files. Documents that include information designated as confidential must comply with the requirements in [WAC 480-07-160](#) and the Protective Order in this docket.
 - (b) Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email

to records@utc.wa.gov provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in [WAC 480-07-140\(5\)\(b\)](#).

- (c) If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit.
- (d) The Commission is continuing to suspend requirements for paper filings in this case for all submissions dating after the Company's initial testimony.
- (e) Documents filed with the Commission must conform to the formatting and other requirements in [WAC 480-07-395](#) and [WAC 480-07-460](#).
- (f) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (jessica.kruszewski@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. Pursuant to [WAC 480-07-365\(2\)\(c\)](#), all electronic documents submitted to the Commission must also be delivered to all parties and the presiding administrative law judge "at the same time" that the documents are submitted to the Commission or shortly thereafter. Please note as well that failing to provide a courtesy copy to the presiding administrative law judge may result in a delayed ruling on a motion or other filing. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

16 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on November 14, 2025**. The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross-examine with the exhibits.

17 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m. on November 14, 2025**.

18 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of

the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge (jessica.kruszewski@utc.wa.gov) and the other parties by email on **November 14, 2025**, by **5p.m.**

- 19 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a virtual evidentiary hearing in this docket **November 19-20, 2025**, beginning **November 19, 2025** at **9a.m.** To attend the hearing via Zoom, [click here to join meeting](#), or call (253) 215-8782 and enter the **Conference ID: 843 6777 1872#** and use the Passcode: **515441#**.⁷
- 20 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Connor Thompson, Director, Administrative Law Division (360) 791-4228.
- 21 **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 this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

DATED at Lacey, Washington, and effective August 12, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Jessica Kruszewski
JESSICA KRUSZEWSKI
Administrative Law Judge

⁷ <https://utc-wa-gov.zoom.us/j/84367771872?pwd=iJp5JM9e0LavnCdrmZB8NFLfrb0vB.1>.

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET TC-250362**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Utilities and Transportation Commission Staff	Colin O'Brien Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-0128	360-586-6413	Colin.obrien@atg.wa.gov
Lakeside Transportation, LLC	Mark D. Kimball Benjamin R. Phillips MDK Law 777 108 th Avenue NE, Suite 2000 Bellevue, WA. 98004	425-455-9610	mkimball@mdklaw.com bphillips@mdklaw.com
Pacific Northwest Transportation Services, Inc.	Hamilton H. Gardiner Michelle F. So HOLMQUIST & GARDINER, PLLC 1000 2 nd Ave, Suite 1770 Seattle, WA 98104	206-438-9083	hamilton@lawhg.net michelle@lawhg.net
Public Counsel	Tad Robinson O'Neill Alexandra Kory Robert Sykes Jessica Johanson-Kubin Office of the Attorney General Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	206-254-0570 206-516-2997 206-389-2055 206-521-3211	Tad.ONeill@atg.wa.gov Alexandra.Kory@atg.wa.gov Robert.Sykes@atg.wa.gov Jessica.Johanson- Kubin@atg.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TC-250362

EVENT	DATE
Application Filing	May 21, 2025
Prehearing Conference	July 22, 2025
Initial Testimony and Exhibits	October 10, 2025
Response Testimony and Exhibits	October 31, 2025
Rebuttal and Cross Answering Testimony and Exhibits	November 14, 2025
Discovery Deadline	November 14, 2025
Exhibit Lists, Cross Exhibits, Witness Lists, Time Estimates, Exhibit Errata	November 14, 2025
Evidentiary Hearing	November 19-20, 2025
Post Hearing Briefs	December 12, 2025