

**Docket Nos. TC-143691 and TC-160516 (Consolidated) -
Vol. VI**

In re the Application of Speedishuttle Washington, LLC

March 7, 2017



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re: Application TC-143691)

)} Docket No. TC-143691
SPEEDISHUTTLE WASHINGTON, LLC,) and TC-160516
D/B/A SPEEDISHUTTLE SEATTLE,) (Consolidated)

For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Services as an Auto Transportation Company

DISCOVERY CONFERENCE, VOL. VI

Page 235 - 244

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

9:05 a.m.

March 7, 2017

Washington Utilities and Transportation Commission
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REPORTED BY: ANITA W. SELF, RPR, CCR #3032

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OLYMPIA, WASHINGTON; MARCH 7, 2017
9:05 A.M.

PROCEEDINGS:

JUDGE PEARSON: Let's go ahead and be on the record in consolidated Dockets TC-143691, TC-160516 and TC-161257. Today is Tuesday, March 7th, 2017, at 9:05 a.m., and we are here to attempt to resolve discovery disputes as set forth in SpeediShuttle's motion to compel and Shuttle Express's answer to that motion.

My name is Rayne Pearson. I'm the administrative law judge presiding over these cases.

And let's just get started by taking short appearances, beginning with you, Mr. Harlow.

MR. HARLOW (via bridge line): Thank you, your Honor. Brooks Harlow, attorney for the Petitioner in two of the dockets, Respondent in the last docket, Shuttle Express, Inc.

JUDGE PEARSON: Thank you.

Mr. Beattie?

MR. BEATTIE: Julian Beattie, Assistant Attorney General, representing Commission Staff.

MR. FASSBURG: Blair Fassburg with Williams

APPEARANCES

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Kastner representing SpeediShuttle Washington, LLC, in its various capacities in these consolidated proceedings.

JUDGE PEARSON: Okay. Thank you.

So as was the case at the prior discovery conferences, I don't need to hear any further argument from the parties because the written submissions contained everything that I needed to make my decision.

And as was also the case previously, I won't be issuing a written order. I'll make my decisions from the bench today, and I can repeat anything as needed for those of you taking notes.

So we will begin with Data Request No. 15, which I am modifying as follows: Shuttle Express must produce a list of individuals or entities to whom it paid commissions for referrals or bookings, and for whom there is no agreement on file with the Commission, and that have not already been provided in response to Staff's data requests.

MR. HARLOW: Okay. Your Honor, what time period, because we have --

JUDGE PEARSON: Right. I was getting to that. I'm just waiting for Mr. Fassburg --

MR. HARLOW: Oh, okay.

JUDGE PEARSON: -- to stop jotting --

Page 239

1 MR. FASSBURG: You don't have to worry about
2 me.
3 JUDGE PEARSON: Okay.
4 So because the Commission's statute of
5 limitations for enforcement is two years, the data
6 requests will go back two years from the date that
7 SpeediShuttle filed its complaint.
8 And Data Request Nos. 19 and 20 are
9 consolidated and modified as follows: With respect to
10 the information produced in response to Data Request
11 No. 15, provide the dollar amount of commissions paid to
12 each person or entity, both individually and in total.
13 MR. FASSBURG: Your Honor, may I make one
14 comment with respect to that ruling?
15 JUDGE PEARSON: Sure.
16 MR. FASSBURG: The information that will be
17 produced in response to 15 you said will only be the
18 ones not already produced to Staff. For the ones
19 already produced to Staff, the information responsive to
20 19 and 20 has not been provided. And so if your
21 intention --
22 JUDGE PEARSON: Oh, my intention is for them
23 to provide all of that with everything that's been
24 provided to Staff and with anything additional that
25 comes out of that data request. Thank you for asking

Page 240

1 that question. You don't have to provide any of the
2 receipts or any of the other things that SpeediShuttle
3 asked for, Mr. Harlow, but the dollar amounts is what I
4 want --
5 MR. HARLOW: So these would be total dollar
6 amounts by individual?
7 JUDGE PEARSON: Yes. And then just add them
8 up and provide a total at the end. So that will be both
9 for every entity or individual that you have already
10 provided the names for in response to Staff's data
11 requests, and then any additional that, for whatever
12 reason, weren't captured by Staff's data requests. And
13 I don't know if there are additional ones that weren't
14 captured by Staff's data requests, but I'm hoping the
15 way that I phrased this would capture anything that
16 might not have been turned over to Staff.
17 MR. HARLOW: Okay. Would this also be back
18 two years from the date of the filing of the complaint?
19 JUDGE PEARSON: Correct.
20 MR. HARLOW: I think that's pretty clear.
21 JUDGE PEARSON: Okay.
22 Any other questions?
23 MR. FASSBURG: Not from SpeediShuttle.
24 JUDGE PEARSON: Okay. Well, thank you then.
25 It sounds like, Mr. Harlow, the parties are

Page 241

1 working together to resolve the remaining outstanding
2 discovery disputes.
3 MR. HARLOW: Yes. We have what I believe is
4 a resolution, and about an hour or so ago I served the
5 supplemental responses that were part of that agreement.
6 JUDGE PEARSON: Okay. That's good to hear.
7 So --
8 MR. HARLOW: It took us a few days. People
9 are all very busy.
10 JUDGE PEARSON: Sure. So you anticipate
11 that that will be it with response to this set?
12 MR. HARLOW: Yeah, I think we're done.
13 JUDGE PEARSON: Okay. Great.
14 MR. HARLOW: Mr. Fassburg was probably
15 driving when it came, so I don't expect him to say we're
16 done yet. Hopefully he'll agree --
17 MR. FASSBURG: I've actually had a chance to
18 review it while I was waiting.
19 JUDGE PEARSON: Okay. He has something to
20 say.
21 Go ahead, Mr. Fassburg.
22 MR. FASSBURG: Sorry. Thank you for that.
23 One thing that we haven't addressed is the
24 time by which it will be due, which is extremely
25 important because SpeediShuttle has its initial

Page 242

1 testimony on the complaint case due March 17th.
2 JUDGE PEARSON: Okay. And they're still
3 outstanding?
4 MR. FASSBURG: These -- well, the ones he
5 supplemented this morning are not what I was referring
6 to, so I'll be clear. The ones that we've had your
7 rulings on today --
8 JUDGE PEARSON: Oh, oh, I see.
9 MR. FASSBURG: -- we would --
10 MR. HARLOW: Your Honor, may we go off the
11 record for just a minute on this?
12 JUDGE PEARSON: Sure.
13 (Brief discussion off the record.)
14 JUDGE PEARSON: Okay. We are back on the
15 record following a brief recess where the parties
16 discussed a due date for the data requests that were
17 modified here this morning, and have agreed that those
18 will be submitted by Friday, which is March 10th.
19 Anything else before we go off the record?
20 MR. HARLOW: And my understanding is, if we
21 are able to do that by Friday, that the testimony due
22 date of the 17th will hold.
23 Is that your understanding as well?
24 JUDGE PEARSON: That is my understanding as
25 well, yes.

1 MR. HARLOW: Thank you.
2 JUDGE PEARSON: All right.
3 Well, if there's nothing further, then we
4 are adjourned.
5 MR. FASSBURG: Thank you.
6 MR. BEATTIE: Thank you very much.
7 MR. HARLOW: Thank you, your Honor.
8 JUDGE PEARSON: Okay. Bye-bye.
9 (Conference concluded at 9:13 a.m.)

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1 CERTIFICATE

2
3 STATE OF WASHINGTON)
4) ss.
5 COUNTY OF KING)
6

7 I, ANITA W. SELF, a Certified Shorthand Reporter
8 in and for the State of Washington, do hereby certify
9 that the foregoing transcript is true and accurate to
10 the best of my knowledge, skill and ability.

11 IN WITNESS WHEREOF, I have hereunto set my hand
12 and seal this 20th day of March, 2017.

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17 ANITA W. SELF, RPR, CCR #3032
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|---|--|--|---|---|
| <p style="text-align: center;">A</p> <p>a.m 235:16 237:2,9 243:9 ability 244:10 able 242:21 accurate 244:9 add 240:7 additional 239:24 240:11,13 addressed 241:23 adjourned 243:4 administrative 235:14 236:2 237:14 ago 241:4 agree 241:16 agreed 242:17 agreement 238:17 241:5 ahead 237:6 241:21 amount 239:11 amounts 240:3,6 ANITA 235:20 244:7,17 answer 237:11 anticipate 241:10 appearances 237:16 Application 235:4 argument 238:6 asked 240:3 asking 239:25 Assistant 236:10 237:23 attempt 237:9 attorney 236:10 237:18,24 Auto 235:8 Avenue 235:22</p> <hr/> <p style="text-align: center;">B</p> <p>back 239:6 240:17 242:14 Beattie 236:9 237:22,23,23</p> | <p>243:6 beginning 237:16 believe 241:3 bench 238:11 best 244:10 bfassburg@willi... 236:17 bharlow@fcclaw... 236:23 Blair 236:15 237:25 bookings 238:16 Box 236:5,11 bridge 236:19 237:17 brief 242:13,15 Brooks 236:20 237:18 Buell 235:21 busy 241:9 Bye-bye 243:8</p> <hr/> <p style="text-align: center;">C</p> <p>C 236:1 237:4 244:1,1 capacities 238:2 capture 240:15 captured 240:12,14 case 238:5,9 242:1 cases 237:14 CCR 235:20 244:17 Certificate 235:6 Certified 244:7 certify 244:8 chance 241:17 clear 240:20 242:6 comes 239:25 comment 239:14 Commission 235:2 235:18 236:4,8 237:24 238:17 Commission's 239:4 commissions 238:16 239:11</p> | <p>Company 235:9 compel 237:11 complaint 239:7 240:18 242:1 concluded 243:9 Conference 235:12 243:9 conferences 238:6 consolidated 235:5 237:7 238:2 239:9 contained 238:8 Convenience 235:7 Correct 240:19 COUNTY 244:4</p> <hr/> <p style="text-align: center;">D</p> <p>D 237:4 D/B/A 235:5 data 238:13,19 239:5,8,10,25 240:10,12,14 242:16 date 239:6 240:18 242:16,22 day 244:12 days 241:8 decision 238:8 decisions 238:10 discovery 235:12 237:10 238:5 241:2 discussed 242:16 discussion 242:13 disputes 237:10 241:2 docket 235:4 237:19 dockets 237:7,19 dollar 239:11 240:3 240:5 Drive 235:19 236:5 236:10,21 driving 241:15 due 241:24 242:1 242:16,21</p> | <p style="text-align: center;">E</p> <p>E 236:1,1,20 237:4 237:4 244:1,1 enforcement 239:5 entities 238:15 entity 239:12 240:9 Evergreen 235:19 236:5,10 expect 241:15 Express 235:8 236:19 237:20 238:14 Express's 237:11 extremely 241:24</p> <hr/> <p style="text-align: center;">F</p> <p>F 244:1 Fassburg 236:15 237:25,25 238:23 239:1,13,16 240:23 241:14,17 241:21,22 242:4,9 243:5 file 238:17 filed 239:7 filing 240:18 following 242:15 follows 238:14 239:9 foregoing 244:9 forth 237:10 Fourth 235:22 Friday 242:18,21 Furnishing 235:8 further 238:6 243:3</p> <hr/> <p style="text-align: center;">G</p> <p>G 237:4 General 236:10 237:24 getting 238:22 go 237:6 239:6 241:21 242:10,19 good 241:6 Great 241:13 Greensboro 236:21</p> | <p>Gutierrez 236:21</p> <hr/> <p style="text-align: center;">H</p> <p>hand 244:11 Harlow 236:20 237:16,17,18 238:20,24 240:3,5 240:17,20,25 241:3,8,12,14 242:10,20 243:1,7 he'll 241:16 hear 238:6 241:6 hereunto 244:11 hold 242:22 Honor 237:18 238:20 239:13 242:10 243:7 Hopefully 241:16 hoping 240:14 hour 241:4</p> <hr/> <p style="text-align: center;">I</p> <p>important 241:25 individual 240:6,9 individually 239:12 individuals 238:15 information 239:10 239:16,19 initial 241:25 intention 239:21,22 issuing 238:10</p> <hr/> <p style="text-align: center;">J</p> <p>jbeattie@utc.wa.... 236:12 jotting 238:25 judge 235:14 236:2 237:6,14,21 238:4 238:22,25 239:3 239:15,22 240:7 240:19,21,24 241:6,10,13,19 242:2,8,12,14,24 243:2,8 Julian 236:9 237:23</p> |
|---|--|--|---|---|

| | | | | |
|---|---|--|--|---|
| <p style="text-align: center;">K</p> <p>Kastner 236:15 238:1</p> <p>KING 244:4</p> <p>know 240:13</p> <p>knowledge 244:10</p> <hr/> <p style="text-align: center;">L</p> <p>law 235:14 236:2 237:14</p> <p>let's 237:6,15</p> <p>limitations 239:5</p> <p>line 236:19 237:17</p> <p>list 238:15</p> <p>LLC 235:5,21 236:14 238:1</p> <p>LLP 236:21</p> <p>Lukas 236:21</p> <hr/> <p style="text-align: center;">M</p> <p>March 235:17 237:1,8 242:1,18 244:12</p> <p>McLean 236:22</p> <p>minute 242:11</p> <p>modified 239:9 242:17</p> <p>modifying 238:14</p> <p>morning 242:5,17</p> <p>motion 237:11,12</p> <p>Motor 235:7</p> <hr/> <p style="text-align: center;">N</p> <p>N 236:1 237:4</p> <p>Nace 236:21</p> <p>name 237:13</p> <p>names 240:10</p> <p>National 235:24</p> <p>Necessity 235:7</p> <p>need 238:6</p> <p>needed 238:8,11</p> <p>Nos 239:8</p> <p>notes 238:12</p> <hr/> <p style="text-align: center;">O</p> <p>O 237:4</p> | <p>o0o- 243:11</p> <p>oh 238:24 239:22 242:8,8</p> <p>okay 238:4,20,24 239:3 240:17,21 240:24 241:6,13 241:19 242:2,14 243:8</p> <p>Olympia 235:19,23 236:6,11 237:1</p> <p>ones 239:18,18 240:13 242:4,6</p> <p>Operate 235:7</p> <p>order 238:10</p> <p>outstanding 241:1 242:3</p> <hr/> <p style="text-align: center;">P</p> <p>P 236:1,1 237:4</p> <p>P.O 236:5,11</p> <p>Page 235:13</p> <p>paid 238:16 239:11</p> <p>Park 235:19 236:5 236:10</p> <p>part 241:5</p> <p>parties 238:7 240:25 242:15</p> <p>Passenger 235:8</p> <p>Pearson 235:14 236:3 237:6,13,21 238:4,22,25 239:3 239:15,22 240:7 240:19,21,24 241:6,10,13,19 242:2,8,12,14,24 243:2,8</p> <p>People 241:8</p> <p>period 238:21</p> <p>person 239:12</p> <p>Petitioner 237:18</p> <p>phrased 240:15</p> <p>presiding 237:14</p> <p>pretty 240:20</p> <p>previously 238:9</p> <p>prior 238:5</p> <p>probably 241:14</p> | <p>proceedings 238:3</p> <p>produce 238:15</p> <p>produced 239:10 239:17,18,19</p> <p>provide 239:11,23 240:1,8</p> <p>provided 238:18 239:20,24 240:10</p> <p>Public 235:6</p> <hr/> <p style="text-align: center;">Q</p> <p>question 240:1</p> <p>questions 240:22</p> <hr/> <p style="text-align: center;">R</p> <p>R 236:1 237:4 244:1</p> <p>Rayne 235:14 236:3 237:13</p> <p>Realtime 235:21</p> <p>reason 240:12</p> <p>receipts 240:2</p> <p>recess 242:15</p> <p>record 237:7 242:11,13,15,19</p> <p>referrals 238:16</p> <p>referring 242:5</p> <p>remaining 241:1</p> <p>repeat 238:11</p> <p>REPORTED 235:20</p> <p>Reporter 244:7</p> <p>Reporting 235:21</p> <p>representing 237:24 238:1</p> <p>request 238:13 239:8,10,25</p> <p>requests 238:19 239:6 240:11,12 240:14 242:16</p> <p>resolution 241:4</p> <p>resolve 237:9 241:1</p> <p>respect 239:9,14</p> <p>Respondent 237:19</p> <p>response 238:18 239:10,17 240:10</p> | <p>241:11</p> <p>responses 241:5</p> <p>responsive 239:19</p> <p>review 241:18</p> <p>right 238:22 243:2</p> <p>rpearson@utc.w... 236:7</p> <p>RPR 235:20 244:17</p> <p>ruling 239:14</p> <p>rulings 242:7</p> <hr/> <p style="text-align: center;">S</p> <p>S 236:1 237:4</p> <p>Sachs 236:21</p> <p>seal 244:12</p> <p>Seattle 235:5,22,23 236:16</p> <p>see 242:8</p> <p>SELF 235:20 244:7 244:17</p> <p>served 241:4</p> <p>Services 235:8</p> <p>set 237:10 241:11 244:11</p> <p>short 237:15</p> <p>Shorthand 244:7</p> <p>Shuttle 236:19 237:11,20 238:14</p> <p>skill 244:10</p> <p>Sorry 241:22</p> <p>sounds 240:25</p> <p>South 235:19</p> <p>Southwest 235:19</p> <p>SpeediShuttle 235:5,5 236:14 238:1 239:7 240:2 240:23 241:25</p> <p>SpeediShuttle's 237:10</p> <p>ss 244:3</p> <p>Staff 236:8 237:24 239:18,19,24 240:16</p> <p>Staff's 238:19 240:10,12,14</p> <p>started 237:15</p> | <p>State 244:3,8</p> <p>statute 239:4</p> <p>stop 238:25</p> <p>Street 236:16</p> <p>submissions 238:7</p> <p>submitted 242:18</p> <p>Suite 235:22 236:16,21</p> <p>supplemental 241:5</p> <p>supplemented 242:5</p> <p>Sure 239:15 241:10 242:12</p> <p>SW 236:5,10</p> <hr/> <p style="text-align: center;">T</p> <p>T 244:1,1</p> <p>TC-143691 235:4,4 237:7</p> <p>TC-160516 235:5 237:7</p> <p>TC-161257 237:8</p> <p>testimony 242:1,21 238:4 239:25 240:24 241:22 243:1,5,6,7</p> <p>thank 237:17,21 238:4 239:25 240:24 241:22</p> <p>thing 241:23</p> <p>things 240:2</p> <p>think 240:20 241:12</p> <p>time 238:20 241:24</p> <p>today 237:8 238:11 242:7</p> <p>total 239:12 240:5 240:8</p> <p>transcript 244:9</p> <p>Transportation 235:2,9,18 236:4</p> <p>true 244:9</p> <p>Tuesday 237:8</p> <p>turned 240:16</p> <p>two 237:19 239:5,6 240:18</p> |
|---|---|--|--|---|

| | | | | |
|--|---|--|--|--|
| <p style="text-align: center;">U</p> <p>understanding 242:20,23,24</p> <p>Union 236:16</p> <p>Utilities 235:2,18 236:4</p> <hr/> <p style="text-align: center;">V</p> <p>various 238:2</p> <p>Vehicles 235:7</p> <p>VI 235:12</p> <p>Virginia 236:22</p> <p>VOL 235:12</p> <hr/> <p style="text-align: center;">W</p> <p>W 235:20 244:7,17</p> <p>waiting 238:23 241:18</p> <p>want 240:4</p> <p>Washington 235:1 235:5,18,19,22 236:4,6,11,14,16 237:1 238:1 244:3 244:8</p> <p>way 240:15</p> <p>we're 241:12,15</p> <p>we've 242:6</p> <p>weren't 240:12,13</p> <p>WHEREOF 244:11</p> <p>Williams 236:15 237:25</p> <p>WITNESS 244:11</p> <p>working 241:1</p> <p>worry 239:1</p> <p>written 238:7,10</p> <p>www.buellrealti... 235:25</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <p>Yeah 241:12</p> <p>years 239:5,6 240:18</p> | <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <p>10th 242:18</p> <p>1200 236:21</p> <p>1300 235:19 236:5</p> <p>1325 235:22</p> <p>1400 236:10</p> <p>15 238:13 239:11 239:17</p> <p>17th 242:1,22</p> <p>1840 235:22</p> <p>19 239:8,20</p> <hr/> <p style="text-align: center;">2</p> <p>20 239:8,20</p> <p>2017 235:17 237:1 237:8 244:12</p> <p>206.287.9066 235:23</p> <p>206.628.6600 236:17</p> <p>20th 244:12</p> <p>22102 236:22</p> <p>235 235:13</p> <p>244 235:13</p> <hr/> <p style="text-align: center;">3</p> <p>3032 235:20 244:17</p> <p>360.534.9066 235:23</p> <p>360.664.1136 236:6</p> <p>360.664.1225 236:12</p> <hr/> <p style="text-align: center;">4</p> <p>40128 236:11</p> <p>4100 236:16</p> <p>47250 236:5</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p style="text-align: center;">6</p> <p>601 236:16</p> | <p style="text-align: center;">7</p> <p>7 235:17 237:1</p> <p>703.584.8680 236:22</p> <p>7th 237:8</p> <hr/> <p style="text-align: center;">8</p> <p>800.846.6989 235:24</p> <p>8300 236:21</p> <hr/> <p style="text-align: center;">9</p> <p>9:05 235:16 237:2,9</p> <p>9:13 243:9</p> <p>98101 235:22 236:16</p> <p>98504 236:6,11</p> <p>98504-7250 235:19</p> | | |
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