

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

In re the Application of Speedishuttle Washington, LLC

March 7, 2017



1325 Fourth Avenue • Suite 1840 • Seattle, Washington 98101

206.287.9066

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email: info@buellrealtime.com



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

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ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

9:05 a.m.

March 7, 2017

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98504-7250

REPORTED BY: ANITA W. SELF, RPR, CCR #3032

Buell Realtime Reporting, LLC.
1325 Fourth Avenue, Suite 1840
Seattle, Washington 98101
206.287.9066 | Seattle
360.534.9066 | Olympia
800.846.6989 | National
www.buellrealtime.com

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1 A P P E A R A N C E S

2
3 ADMINISTRATIVE LAW JUDGE:

4 RAYNE PEARSON
5 Washington Utilities and
6 Transportation Commission
7 1300 So. Evergreen Park Drive SW
8 P.O. Box 47250
9 Olympia, Washington 98504
10 360.664.1136
11 rpearson@utc.wa.gov

12 FOR COMMISSION STAFF:

13 JULIAN BEATTIE
14 Assistant Attorney General
15 1400 So. Evergreen Park Drive SW
16 P.O. Box 40128
17 Olympia, Washington 98504
18 360.664.1225
19 jbeattie@utc.wa.gov

20 FOR SPEEDISHUTTLE WASHINGTON, LLC:

21 BLAIR I. FASSBURG
22 Williams Kastner
23 601 Union Street, Suite 4100
24 Seattle, Washington 98101
25 206.628.6600
bfassburg@williamskastner.com

FOR SHUTTLE EXPRESS, INC.:
(Via bridge line)

BROOKS E. HARLOW
Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Suite 1200
McLean, Virginia 22102
703.584.8680
bharlow@fcclaw.com

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1 OLYMPIA, WASHINGTON; MARCH 7, 2017

2 9:05 A.M.

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4 P R O C E E D I N G S :

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

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

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

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

21 JUDGE PEARSON: Thank you.

22 Mr. Beattie?

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

25 MR. FASSBURG: Blair Fassburg with Williams

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

4 JUDGE PEARSON: Okay. Thank you.

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

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

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

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

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

24 MR. HARLOW: Oh, okay.

25 JUDGE PEARSON: -- to stop jotting --

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

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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

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

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

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

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

14

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Anita W. Self



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ANITA W. SELF, RPR, CCR #3032

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