

[Service Date June 18, 2009]

June 18, 2009

John Rowley
Shuttle Express, Inc.
800 S.W. 16th Street
Renton, WA 98055

Re: *In re Application of SeaTac Shuttle, LLC, d/b/a Whidbey-SeaTac Shuttle, For Extension of Authority Under Certificate No. C-1077, For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company, Docket TC-090118*

Dear Mr. Rowley:

The Commission has received your e-mail dated Wednesday, June 17, 2009, 4:58 p.m., with the subject line: BR1 – data from Paine field. The e-mail is attached to this letter for reference. It is not appropriate to use e-mail to communicate directly with the Commission in a litigated case, such as the present case. It is appropriate to use e-mail when attaching a letter, brief or other pleading submitted to the Commission’s Records Center, if you also copy the other parties to the case and file the appropriate number of paper copies the following business day. In this situation, you did not include the parties to the docket in the distribution of the e-mail. While your e-mail communication with the Commission does not rise to the level of an *ex parte* communication pursuant to RCW 34.05.455 and WAC 480-07-310(1) because it does not discuss the merits of the case, it is still common Commission practice and professional courtesy to include the other parties in all communications with the Commission. To cure this situation, I am sending the other parties a copy of this letter as well as your attached e-mail.

Another problem arises in connection with the content of your e-mail. You state that you will not be complying with the bench request by the deadline the Commission imposed at the June 10, 2009, hearing. Your inability to comply with the Commission’s directive needs to be made a part of the record. Ideally, Shuttle Express would have filed a motion for an extension of time, pursuant to WAC 480-07-385, and not an e-mail, since e-mails are not

proper forms of communication with the Commission in litigated cases. Instead, I have instructed our Records Center to include your e-mail in the record.

Further, the Commission did not impose June 17, 2009, as a *suggested* deadline. It is not Shuttle Express' prerogative or the prerogative of any of the parties to arbitrarily impose their own time frame when responding to bench requests. Shuttle Express should have filed any motion for an extension of time well before the June 17, 2009, deadline, not 2 minutes prior to the close of business that day.

The Commission received Shuttle Express' response to Bench Request 1 today via e-mail. As with the previous e-mail, Shuttle Express did not initially include any of the other parties in the distribution of the bench request. While Shuttle Express has since cured that mistake, Shuttle Express is reminded that it is the parties' responsibility to serve filings upon each other.

Sincerely,

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

Attachment

cc: Parties