

DOCKET TC-121328

Second Draft Chapter WAC 480-30 Revision Comments of Seatac Shuttle, LLC May 9, 2013

We are encouraged that a number of the certificated operators' previous comments regarding the draft have been in some form incorporated into this second draft. There are, however, still some issues of significance that have not either been addressed or resolved within the second draft.

There seems to still be reluctance by staff to relinquish micro-management of the companies despite the tradeoffs in barriers to entry that are incorporated into the new proposed language. Staff still does not recognize its severe limitations and lack of experience in the management and ordinary operations of a small business. Staff continues to propose language that promotes challenges and is baseless in its origin. We strongly suggest that such language be removed from the final iteration of the draft for the good of all concerned.

We also seek clarification on additional language that has been proposed.

- 1) Dates: It was suggested that the effective date of the revision would be August 15, 2013. If this is the case, will companies be able to file for flexible fares on July 15, 2013 so that the 30 day notice period can run concurrently with the 30 days prior to the effective date of the revision? Or, will companies be required to withhold filing for flexible fares until the effective date of the revision and then wait 30 additional days before implementation, (Aug. 15 + 30 days)?
- 2) 480-30-XXX (2) (f): The language proposed eliminates the concept of territories and reduces them to routes with a "narrow definition". Many certificates, including this company's, provide for service between geographical areas utilizing routes determined within tariffs. This section eliminates this concept and reduces the level of service to that of taxi cabs. By nature and definition, scheduled service is between points defined by the company for the provision of service at fares that reflect the necessity of the passengers coming to a convenient location for the population being served. Door to door service is at the passenger's specification and by necessity must be defined by a geographical area, not a route.

All the affected companies created their services and fleets based on the territories served, not a specific route that may by necessity change over time due to population shifts and new roads and highways being built. We must serve populations not routes. The routes defined within our tariffs directly reflect the best mix of economy and service for a given population over the most convenient route. To suggest that companies craft routes for their own convenience displays a complete lack of the realities of operating a business. We have agreed to the reduction to the entry barriers, but, without true de-regulation we are not willing to yield our operational territories to a new definition. Suggesting that a parallel route within one's existing territory is "different" service is not acceptable. It would provide for a dilution of the market potentially to the point that neither service could adequately serve the public. Recognize the realities of the marketplace and the cost and level of service offered. This State has the lowest Airporter fares

in the country and we provide some of the best service. Do not destroy our businesses and the public's ability to travel at very low fares by retaining this language.

- 3) –XXX(3)(ii) : This language is superfluous and baseless. It also is undefined and will raise more questions than it addresses. **This section must be deleted in its entirety.** What exactly is the purpose of this section? A company would now be required to grow in order to maintain its certificate. This company operates in a very contained geographical area on an island. It has essentially a fixed population requiring and supporting only so many trips per day to and from the airport. We now carry the equivalent of the entire population of the island to the airport every year. We cannot magically create more passengers from a fixed population, we cannot insist that more people fly each year and thereby require our services. We look for every avenue for growth available to us, but they are very limited and restricted by this very agency. In the absence of a consumer complaint, and there are virtually none on file with the agency, what is being required here ignores realities and is rule for the sake of rule. Please, let's eliminate this kind of superfluous language and concentrate on the protection of the public and assuring that they will have this mode of transportation available to them in the future.
- 4) –XXX(3)(iii) Once again, we perceive this as someone writing rules for the sake of writing rules. To put into rule that a company must be "courteous and respectful" is embarrassing. Do we need chaperones on the vehicles? None of us would be in business if we weren't courteous to and respectful of our customers. The issue of this revision is flexibility and the maintenance of safety and continued premium service. Even the "direct" requirement is at odds with door to door service. Please think before you write. We are not children, stop treating us as such. This section should only include the terms convenient, safe and expeditious and meets the advertised or posted schedules. We are prohibited from being "responsive to consumer requests" and must follow our published tariff and operate within our authority. We may not deviate from them at the request of a customer. These are your rules.
- 5) XXX(4) We do not understand any of this section. It states if a company already serves a territory or route then the commission will consider what type of route is being served in the case of an overlapping application. Of what consequence is the type of route in the evaluation? If a company serves with scheduled Airporter service how is that different if the company serves with "traditional bus "service. If the route in question is being served, whether it is to an airport or to a downtown location, is not germane and has no bearing whatsoever on the issue. This section is in conflict with the proposed rules for granting authority. **This section must be deleted in its entirety.**
- 6) -156 This section pre-supposes that all applications for temporary certificates will precede or be (difficult concept) in conjunction with an application for permanent authority. This is not necessarily the case. In fact, the only valid reason that we can fathom for a temporary certificate is to fill a temporary and immediate need for service in an unserved area. Such service should be limited to no more than ninety days with the provision for one sixty day renewal upon good cause shown to the commission. In any other situation, under rule, in an unserved territory, a properly prepared applicant can complete the application process within forty-five days if the commission and staff are responsive. In a territory already served, a one day notice to the commission suffices to implement new service. The temporary certificate

should not be, and for public safety, must not be a gateway to permanent authority. All conditions for carrying the public must be met and verified before service is started.

- 7) –YYY (2)(c) This section is in conflict with –YYY(12). –YYY (12) properly characterizes the intent of the revision. The last four words, “of the base fare”, of this section ~~–YYY (2)(c)~~, must be deleted. Under this language, each year the amount that the companies will be able to recover from increasing costs will diminish. The companies need to be able to address the economic environment at the time of annual review. We certainly don’t expect costs to go down over time yet that is exactly what this section assumes. The purpose of the flex fares is to allow companies to address economic issues and to operate within a real market structure. Once again language is being proposed that limits this implementation and premise to no good purpose. –YYY(12) properly addresses the issue.

This company seeks to expedite the implementation of the revision to 480-30. Our comments are limited to only those issues that we feel are important to the health of the industry, the safety of the public, the continuity of service and the clarity of rule. We see this as an opportunity to lessen our regulatory paperwork burden as well as the staff time involved in dealing with arcane issues. We look forward to when our efforts can be focused on providing the safest, most convenient and most reliable service possible without the distraction of independent interpretation and intervention by the agency on issues that have no relation to serving the public.

Seatac Shuttle, LLC
May 9, 2013