

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In re Application No. D-079387 of)	DOCKET NO. TC-051063
)	
GATEWAY SHUTTLE SERVICE,)	ORDER NO. 02
INC.,)	
)	INITIAL ORDER GRANTING
for a Certificate of Public Convenience)	WITHDRAWAL AND DISMISSING
and Necessity to Operate Motor)	APPLICATION
Vehicles in Furnishing Passenger and)	
Express Service as an Auto)	
Transportation Company)	
.....)	

- 1 **SYNOPSIS.** *This Order proposes to grant Gateway’s request to withdraw its application for authority to provide bus service and dismiss the application.*

- 2 **NATURE OF THE PROCEEDING.** This is an application filed on July 8, 2005, by Gateway Shuttle Service, Inc. (Gateway), for authority to operate as a common carrier auto transportation (bus) company providing door-to-door, by reservation only service between Clallam and Jefferson Counties and points in Seattle and Tacoma, and between Clallam and Jefferson Counties and points in Point Townsend, Port Ludlow, and Silverdale.

- 3 **PROCEDURAL HISTORY.** The following entities filed protests to the application: Evergreen Trails, Inc., d/b/a Gray Line of Seattle (Gray Line), Shuttle Express, Inc., d/b/a Shuttle Express (Shuttle Express), Bremerton-Kitsap Airporter, Inc., and Heckman Motors, Inc., d/b/a Olympic Bus Lines (Olympic).

- 4 The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on October 10, 2005, before Administrative Law Judge Ann E. Rendahl. The parties agreed to a procedural schedule at the conference, including an evidentiary hearing on November 8, 2005.

5 On Monday, November 7, 2005, the day before the scheduled hearing in this matter, the applicant sent a letter to the Commission via electronic mail requesting withdrawal of application.

6 Judge Rendahl notified the parties via electronic mail on November 7, 2005, that the hearing scheduled for November 8, 2005, was canceled.

7 **INITIAL ORDER.** The presiding administrative law judge proposes to grant Gateway's request to withdraw its application and dismiss the application.

8 **APPEARANCES.** Jeffrey Porter, Carlsborg, Washington, appeared *pro se* on behalf of Gateway. David L. Rice, Miller Nash, LLP, Seattle, Washington, represents Gray Line and Shuttle Express. Jack Heckman, President, Olympic, Port Angeles, Washington, appeared *pro se* on behalf of Olympic. Chris Swanson, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff).

DISCUSSION

9 On November 7, 2005, Mr. Jeffrey Porter, the principal shareholder of Gateway, notified Commission Staff by electronic mail that he has been unable to secure financing for the proposed operation. Mr. Porter further stated that he intended to withdraw the Gateway application. Ms. Linda Yip, Gateway's office manager, submitted a letter to the Commission the same day, requesting withdrawal of the application.

10 If the Commission has issued a hearing notice in a proceeding, a party may withdraw from the proceeding only after the Commission grants a motion to withdraw. WAC 480-07-380(3). The Commission will grant a party's motion to withdraw if the withdrawal is in the public interest. *Id.*

- 11 Gateway's request to withdraw its application is in the public interest and should be granted. Gateway cannot meet the requirements for the Commission to grant a certificate of public convenience and necessity under RCW 81.68.040 and chapter 480-30 WAC if it cannot provide evidence of sufficient financial resources for the proposed bus service. It would be a waste of the Commission's and the parties' resources to continue consideration of Gateway's application under these circumstances.
- 12 Because we grant Gateway's request to withdraw its application, we also dismiss the application. Should Gateway obtain the necessary financing to provide the proposed service, it may file a new application with the Commission.

ORDER

THE COMMISSION ORDERS:

- 13 (1) Gateway Shuttle Service, Inc.'s, request to withdraw Application No. D-079387, is granted.
- 14 (2) Application No. D-079387, in the name of Gateway Shuttle Service, Inc., for authority to operate as a common carrier auto transportation company, is dismissed.

Dated at Olympia, Washington, and effective this 23rd day of November, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

NOTICE TO THE PARTIES

This is an Initial Order. The action proposed in this Initial Order is not effective until entry of a final order by the Utilities and Transportation Commission. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a *Petition to Reopen* a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

One copy of any Petition or Answer filed must be served on each party of record, with proof of service as required by WAC 480-07-150(8) and (9). An Original and twelve copies of any Petition or Answer must be filed by mail delivery to:

Attn: Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia Washington 98504-7250.