

Docket No. TC-200151 - Vol. II

WUTC v. Shuttle Express, Inc.

November 9, 2020



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,) DOCKET TC-200151

Complainant,) vs.) SHUTTLE EXPRESS, INC.,) Respondent.)

TELEPHONIC EVIDENTIARY HEARING, VOLUME II Pages 19-63 ADMINISTRATIVE LAW JUDGE MICHAEL HOWARD

November 9, 2020 9:33 a.m.

Washington Utilities and Transportation Commission 621 Woodland Square Loop Southeast Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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1 APPEARANCES 2 ADMINISTRATIVE LAW JUDGE: 3 MICHAEL HOWARD 4 5

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29 ALSO PRESENT:

30 MATHEW PERKINSON 31 SARAH LAYCOCK

1 LACEY, WASHINGTON; NOVEMBER 9, 2020 2 9:33 A.M. 3 --o0o--

4 P R O C E E D I N G S 5

6 JUDGE HOWARD: Let's be on the record. Good 7 morning. Today is Monday, November 9th, 2020. The time 8 is 9:33 a.m. This case is captioned the Washington 9 Utilities and Transportation Commission versus Shuttle 10 Express Incorporated in Docket TC-200151.

11 My name is Michael Howard, and I am an 12 administrative law judge presiding over today's hearing.

13 Let's take appearances from the parties and 14 then we will talk about how we're going to proceed this 15 morning.

16 Could we start with Shuttle Express?

17 MR. SHERRELL: Jimmy Sherrell, J-i-m-y, 18 S-h-e-r-r-e-l-l, Shuttle Express.

19 JUDGE HOWARD: Okay. Can we have an 20 appearance for Staff?

21 MR. FUKANO: Apologies, I was muted. Good 22 morning, Judge Howard. This is Harry Fukano, Assistant 23 Attorney General. With me is co-counsel, Assistant 24 Attorney General Jeff Roberson, and we are here on 25 behalf of Commission Staff this morning.

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<p>1 JUDGE HOWARD: Thank you, Mr. Fukano. 2 And could we have an appearance for Public 3 Counsel? 4 MS. SUETAKE: Thank you, Your Honor. My 5 name is Nina Suetake, and I am here -- Assistant 6 Attorney General for Public Counsel Unit. 7 JUDGE HOWARD: Thank you. 8 I'm sure I will accidentally mute myself at 9 some point today too, which is part of the process. 10 Thank you, everyone. Since we're doing this 11 hearing today over Microsoft Teams software, I just want 12 to remind everyone to be aware of background noise and 13 that you should mute your computer microphone or your 14 phone if you're calling in when you are not speaking. 15 If you need to object or raise an issue, 16 please identify yourself when you're not -- when you're 17 speaking if I'm not already calling on you, and we 18 should make an effort not to talk over each other so the 19 court reporter can make a clear record of our hearing 20 today. 21 Before we begin, I want to make a note about 22 the scope of this hearing. As we discussed at the 23 prehearing conference and as I noted in the prehearing 24 conference order, Shuttle Express stipulated that it 25 does not contest the violations of WAC Chapter 480-30</p>	<p>1 Counsel is also unaware of any limitation in the 2 settlement agreement. Sorry, I am hearing some echo. 3 JUDGE HOWARD: Mr. Sherrell, would you like 4 to respond on this issue? 5 MR. SHERRELL: I guess I don't quite 6 understand what you're asking. 7 JUDGE HOWARD: Well, just kind of to clarify 8 my question, there -- there was that settlement 9 agreement when your company appealed to superior court 10 the -- the findings in the 2016 dockets assessing 11 penalties against Shuttle Express. And do you -- do you 12 believe that settlement agreement keeps me from -- in 13 any way -- from considering the violations that the 14 Commission found in -- in that docket in that earlier 15 case in -- in terms of determining the -- the level of 16 penalty to impose in this case? 17 MR. SHERRELL: No, I don't oppose. 18 JUDGE HOWARD: Okay. Thank you. I just 19 wanted to address that before we begin here. 20 So in terms of a roadmap for today, we're 21 going to begin by taking testimony from Staff's witness, 22 Mathew Perkinson, since Staff is the party alleging the 23 underlying violations. We'll then take testimony from 24 Public Counsel's witness, Ms. Laycock, and finally we 25 will provide Mr. Sherrell an opportunity to testify on</p>
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<p>1 which are alleged in the complaint in Order 01 in this 2 docket. And I take this prehearing conference order as 3 controlling this case going forward, so this hearing is 4 limited to determining the appropriate remedy for the 5 violations alleged in the complaint in Order 01. 6 And also before we begin, I want to pose a 7 question and allow each of the parties an opportunity to 8 respond. So Shuttle Express appealed the last major 9 enforcement action against it to superior court and this 10 was in the Dockets TC-160516 and 161257. And I see that 11 the settlement is described in the exhibit submitted as 12 MP-1, but I don't see the settlement agreement itself. 13 Does the settlement limit my ability in any 14 way to consider the violations found in the final order 15 in those dockets when determining the appropriate remedy 16 in this case? And I just want to give each of the 17 parties a chance to state their position on that issue. 18 Could I turn first to Staff? 19 MR. FUKANO: Yes, Staff is not aware of any 20 limitations contained in the settlement agreement that 21 would otherwise limit the information [phone 22 interference] Commission in this proceeding. 23 JUDGE HOWARD: Public Counsel, do you -- 24 would you like to respond? 25 MS. SUETAKE: Thank you, Your Honor. Public</p>	<p>1 behalf of the company. 2 At the end of the hearing, the parties will 3 have an opportunity to provide a closing -- an oral 4 closing statement. I'm -- I'm not planning necessarily 5 on providing a separate opportunity for an opening 6 statement before we begin. Would any party wish to 7 provide an opening statement, though? 8 MR. FUKANO: Commission Staff has no need to 9 provide an opening statement, although it would have two 10 clarifying questions when -- at an appropriate time. 11 JUDGE HOWARD: Okay. Ms. Suetake? 12 MS. SUETAKE: Public Counsel has no need for 13 an opening statement. 14 JUDGE HOWARD: Mr. Sherrell, I'll let you -- 15 when it's your opportunity to testify, I will let you 16 testify without an attorney posing questions to you, but 17 would -- would you request any opening statement right 18 now before we begin taking testimony? 19 MR. SHERRELL: Here we go. I hit the mute 20 button. So this is a very narrow scope. All we're 21 really talking about is penalties; is that correct? 22 JUDGE HOWARD: Yes. Yes, so would -- would 23 you -- would you like to provide an opening statement or 24 would you prefer to wait until your testimony? 25 MR. SHERRELL: Well, I think we can cut this</p>

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1 pretty short. I filed a 48030-186(2)(b) and it
 2 discontinues the service. So Shuttle Express will not
 3 be operating in the future. We shut down, suspended on
 4 March 27th, 2020. The way I look at it, there is not
 5 much we need to talk about. We no longer exist.
 6 Shuttle Express cannot reopen. So I think we can cut
 7 this pretty short.
 8 JUDGE HOWARD: All right. Thank you. Okay
 9 thank you, Mr. Sherrell.
 10 So, Mr. Fukano, you indicated Staff had a
 11 couple of questions before we begin?
 12 MR. FUKANO: Yes, regarding the proposed
 13 exhibits submitted by Staff, I wanted to inquire whether
 14 the exhibit might be admitted by stipulation or whether
 15 you would want those admitted via witness through
 16 direct.
 17 JUDGE HOWARD: Certainly. That was going to
 18 be the next thing I would -- I would ask about. Would
 19 the parties -- we have the exhibits submitted and
 20 they're MP-1 through MP-5. Are the parties able to
 21 stipulate to the admissibility of all of these exhibits?
 22 Public Counsel, please go ahead.
 23 MS. SUETAKE: We stipulate to the
 24 admissibility of these exhibits.
 25 JUDGE HOWARD: Thank you.

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1 Mr. Sherrell, would you also agree to these
 2 exhibits?
 3 MR. SHERRELL: Yes, I agree.
 4 JUDGE HOWARD: Okay. Thank you. Then I
 5 would admit Staff's Exhibits MP-1 through MP-5 into the
 6 record.
 7 (Exhibits MP-1 through MP-5 admitted.)
 8 MR. FUKANO: Thank you, Your Honor.
 9 JUDGE HOWARD: Was there another question?
 10 MR. FUKANO: Yes. Staff's recommended
 11 penalty in this proceeding potentially changes depending
 12 on the actions that the company or the course of the
 13 company going forward. I think we've heard this morning
 14 about some of the intent of the company, but Staff would
 15 suggest it may be appropriate for the company to testify
 16 first to explain its position going forward, which Staff
 17 could then incorporate into its recommendation. I
 18 believe we know where that's going, but I feel that may
 19 be appropriate.
 20 JUDGE HOWARD: I think that would be a
 21 reasonable request. I think that could justify changing
 22 the order of the witnesses.
 23 Ms. Suetake, do you have any concerns with
 24 that?
 25 MS. SUETAKE: No, Your Honor. That would

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1 actually make things easier for us as well.
 2 JUDGE HOWARD: Okay. Mr. -- Mr. --
 3 Mr. Sherrell, would you be fine with testifying first
 4 and then you would --
 5 MR. SHERRELL: Yes, I agree.
 6 JUDGE HOWARD: Okay. And then you would
 7 have -- you would have an opportunity, of course, to --
 8 to examine Staff and Public Counsel's witness afterward.
 9 But yes -- so it sounds like you indicated yes to that.
 10 So we will -- we will change the order of
 11 the witnesses, then, and we will have the company go
 12 first, then Staff, and then Public Counsel.
 13 Does -- are there any other questions before
 14 we begin?
 15 MR. FUKANO: None from Staff. Thank you,
 16 Your Honor.
 17 MS. SUETAKE: None from Public Counsel.
 18 Thank you.
 19 JUDGE HOWARD: All right. Mr. Sherrell,
 20 since you're not appearing with an attorney, I will
 21 allow you to testify on behalf of Shuttle Express
 22 without an attorney posing questions to you. We will
 23 then allow Staff and Public Counsel's attorneys to pose
 24 their questions. I will swear you in first.
 25 (Jimmy Sherrell sworn.)

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1 JUDGE HOWARD: Thank you. So, Mr. Sherrell,
 2 you may go ahead with your testimony.
 3 MR. SHERRELL: Okay. So in March 27, 2020,
 4 we suspended service caused by airport restricting
 5 operations and overriding WUTC Commission regulations,
 6 and it cost us about 40 percent of our traffic. After
 7 that, COVID hit and that took the remaining away from
 8 us. So on March 27th I filed a suspension. Actually,
 9 it was filed by Kari Green, and our intent was, when we
 10 were negotiating our violations, that we would be able
 11 to resume service within a couple months.
 12 After eight months of suspension, it was not
 13 possible for us ever to resume our services. So we
 14 filed a 48030-186(2)(b) discontinues the service, which
 15 is on file now. And going forward, Shuttle Express,
 16 after 34 years of operations, is unable to initiate
 17 service going forward.
 18 And over the last eight months, we have
 19 worked with our clients, our different communities, eBay
 20 [sic], the people that we booked with, to switch them
 21 over to a company called Bayview Limo, and Bayview Limo
 22 is licensed by the Department of Licensing, DOL, and
 23 they have limo license, so they can do dedicated nonstop
 24 service, which is allowed, whereas if we try to do share
 25 rides, it's not allowed because of the distancing

1 regulations.
 2 So in essence, going forward, at this time,
 3 Shuttle Express has moved out of its office,
 4 discontinued its office. We spent the last six months
 5 working with Bayview helping them with carrying service
 6 forward to the people that were using Shuttle Express,
 7 and they are now called Shuttle Express No. 2 under the
 8 LLC.
 9 So we've got really good response from the
 10 travelers when they call in to direct them to this
 11 dedicated service, and we actually offer an economy, we
 12 actually offer them economy black car service because of
 13 our share ride. Because the people using the share ride
 14 are used to not paying as much money as dedicated black
 15 service or dedicated services. So they've been happy.
 16 We haven't had any complaints from them, zero.
 17 So the transition has been really good, and
 18 we keep continuing to work with Bayview if they have any
 19 inquiries working with the past Shuttle Express and
 20 we've been taking care of that.
 21 And so Shuttle Express basically does not
 22 exist anymore. It is being supported. People are being
 23 supported, the travelers, by Bayview Limo, and we've
 24 worked really close with them over the last six months.
 25 So there's no transfer of license, period. We were just

1 Express was a premier. We had regulations, we had
 2 scheduling, we had training, we had everything. So --
 3 and you won't find another operator out there that does
 4 what we were doing in the past.
 5 And it's been related by other people within
 6 the UTC also and noted throughout the agency or
 7 throughout the U.S. as being a premier operator. So I'm
 8 done. That's bottom line, and there's no money left in
 9 the company.
 10 So I do recognize that when I first asked to
 11 reach an agreement, that the UTC, you -- you guys did
 12 reach forward and we were trying to keep Shuttle going
 13 and suspend the -- the penalty for a year in which we
 14 could make it back when the courtesy can start up again.
 15 That won't happen, we can't do it, this has gone on two
 16 months --
 17 MR. FUKANO: Pardon me, Judge. I just
 18 wanted to raise a quick reminder that any discussion
 19 during settlement is confidential. So I would ask that
 20 any comment about the specifics of the settlement be
 21 struck from the record.
 22 MR. SHERRELL: And I didn't give any
 23 specifics on it so -- I just admitted that Staff did
 24 work with us in trying to reach a settlement.
 25 JUDGE HOWARD: Could the -- could the court

1 going to discontinue all of the licenses. I know Bel
 2 Air has applied for our license in Everett and that's up
 3 to them. We are not doing any transfers.
 4 So we're just going to surrender all three
 5 of our licenses, which is share ride, schedule, and
 6 charter. And so that pretty well wraps up Shuttle
 7 Express for the past 34 years.
 8 And I would like to say that the
 9 Commissioners made every attempt to keep us alive when
 10 they held three meetings, work sessions, and then
 11 changed some regulations to allow us to use independent
 12 contractors and small cars and they -- the airports
 13 stepped right on top of the UTC, which cuts the law of
 14 1979 that was passed in which they oversee WUTC, which
 15 is wrong. It's absolutely wrong to have that happen.
 16 So Shuttle Express cannot fight the airport,
 17 and the con- -- and the virus and not having any
 18 traffic. We went from 400 passengers a day to ten. Our
 19 bottom line is 70,000 service -- if nobody moves or does
 20 anything. So we've used our PPP, we've used or SBA
 21 emergency funds to keep going this far, and then we've
 22 moved everything so the traveling public wasn't hurt by
 23 us shutting down. So there is nothing more we can do.
 24 And we've had a stellar reputation. And
 25 looking at the other operators in the past, Shuttle

1 reporter read back the last portion of that testimony
 2 where there was any discussion about the settlement?
 3 (Section read.)
 4 JUDGE HOWARD: I will -- I will grant the
 5 objection to strike the testimony that was just read
 6 from the record, just in the interest of keeping
 7 settlement discussions confidential.
 8 Mr. -- Mr. Sherrell, you may -- you may
 9 continue.
 10 MR. SHERRELL: Yeah, I agree with you
 11 striking that. No objection to that, and I am basically
 12 finished.
 13 JUDGE HOWARD: Thank you, Mr. Sherrell.
 14 Do we have any questions from Staff?
 15 MR. FUKANO: A few brief questions from
 16 Staff.
 17
 18 E X A M I N A T I O N
 19 BY MR. FUKANO:
 20 **Q. Good morning, Mr. Sherrell. How are you this**
 21 **day?**
 22 A. You know, that's -- in this year, it's probably
 23 the hardest year of my life I've been around. So to
 24 answer that question, it's we're hanging on and trying
 25 to do everything we can. We -- in fact, we haven't

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1 taken a day off for eight months until this last week,
 2 so, you know, that's how we're doing. And I think the
 3 whole country's that way. So other than that, we're
 4 still alive and we're still going forward, so we're --
 5 we're blessed.

6 **Q. And I just wanted to ask you a few questions**
 7 **about the other proceedings or -- before the Commission**
 8 **involving Shuttle Express.**

9 **You mentioned that there was a transfer of**
 10 **authority from Shuttle Express to Wickkiser, correct?**

11 A. I originally proposed that, and it doesn't
 12 matter to me one way or the other. I'm just going to
 13 surrender my licenses. So if -- if the Commission wants
 14 to do a transfer, I -- I really don't want to do a
 15 transfer. I'd just surrender my licenses. That's a
 16 change that I've made recently after talking to our
 17 attorney and looking at what's going off it's -- I think
 18 it's easier for them just to go ahead and do it. But
 19 that's up to them so...

20 **Q. And so just to clarify, then, does the company**
 21 **oppose the transfer of the partial authority to**
 22 **Wickkiser?**

23 A. No, we do not oppose it. I'd rather work with
 24 the Commission, Wickkiser, whatever works better. So
 25 it's hard for me to give an opinion on it. It's just

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1 that we can't operate.

2 **Q. Understood.**

3 **And, again, just by way of clarification, does**
 4 **the company intend to have any transfer go into effect**
 5 **before any cancellation of the company's operating**
 6 **authority?**

7 A. I'm thinking. No, we are not going to transfer
 8 on our initiative before we surrender the certificates.

9 However, if Wickkiser works with the Commission
 10 and it would be better to transfer a license, then we're
 11 amenable. I just want to do the best thing for the
 12 public and whatever works easy for the Commission.

13 **Q. Thank you. Appreciate the clarification.**

14 **And turning to the cancellation docket, Shuttle**
 15 **Express has submitted an application to voluntarily**
 16 **cancel its Commission authority in Docket 200887; is**
 17 **that correct?**

18 A. I have not seen the docket, but I know it's
 19 filed and that is correct. I just don't know the number
 20 on it.

21 **Q. And just to clarify, the Commission has not yet**
 22 **acted on the company's request for cancellation,**
 23 **correct?**

24 A. That is correct.

25 MR. FUKANO: Thank you very much. No

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1 further questions.

2 JUDGE HOWARD: Do we have any questions from
 3 Public Counsel?

4 MS. SUETAKE: Your Honor, with Staff
 5 questions, we do not have any additional questions.

6 JUDGE HOWARD: Thank you.

7 Mr. Sherrell, I might just ask a clarifying
 8 question. You referred to Shuttle Express No. 2, could
 9 you just explain a bit more what that is referring to?

10 MR. SHERRELL: Yes, I will. So the
 11 traveling -- let me just give you a quick background.
 12 The traveling public is used to dealing with Shuttle
 13 Express 34 years. So for people going forward and using
 14 Shuttle Express, the name means a lot to them in how
 15 they seek to service out. So Bayview has an LLC that
 16 says Shuttle Express 2. So that's how they will be
 17 operating, so I gave them basically our name and
 18 didn't -- they can file under the assumed business name.
 19 Let me back up and say that. So Shuttle Express 2, so
 20 that way it works when people seek out Shuttle Express
 21 and I -- hopefully I answered that question.

22 JUDGE HOWARD: Thank you, yes.

23 And then do you -- just to clarify a little
 24 bit more, do you -- do you have any ownership interest
 25 in Bayview?

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1 MR. SHERRELL: I do not have any ownership
 2 in Bayview and I have not received any funds for any
 3 transfer with Bayview. My whole intent was to keep
 4 airport transportation going in the future. Bayview has
 5 suffered tremendously. They're only carrying like ten
 6 people a day. A big day is 30. So by me giving Bayview
 7 all of our business and our name and everything that I
 8 can, it's in my hopes that Bayview can stay alive going
 9 forward. So there have been no exchange of funds,
 10 period.

11 JUDGE HOWARD: Thank you. That would be all
 12 the clarifying questions I would have.

13 Mr. Sherrell, would you -- would you like to
 14 make any statement in response to the questions you were
 15 asked by Staff or Public Counsel?

16 MR. SHERRELL: No, I think Staff asked some
 17 very good questions and hopefully I answered it. If
 18 not, I'd like to clarify anything that is misunderstood.

19 JUDGE HOWARD: All right. Thank you,
 20 Mr. Sherrell. I think I'll take that as your testimony
 21 being concluded.

22 We will then turn to Staff's witness, Mathew
 23 Perkinson. Mr. Perkinson, are you on the line?

24 MR. PERKINSON: Yes, Your Honor, I'm here.

25 JUDGE HOWARD: I will swear you in and then

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1 I'll allow Staff's attorney to -- I'm sorry. To -- to
 2 present your testimony.
 3 (Mathew Perkinson sworn.)
 4 JUDGE HOWARD: Thank you.
 5 Staff, you may proceed.
 6 MR. FUKANO: Thank you, Your Honor.
 7
 8 EXAMINATION
 9 BY MR. FUKANO:
 10 **Q. Good morning, Mr. Perkinson.**
 11 A. Good morning.
 12 **Q. Please state your name and spell your last name**
 13 **for the record.**
 14 A. It's Mathew Perkinson, P-e-r-k-i-n-s-o-n.
 15 **Q. And who is your employer?**
 16 A. The Utilities and Transportation Commission.
 17 **Q. And how long have you worked for the Commission?**
 18 A. I've been with the Commission since 2011.
 19 **Q. And what is your current role with the**
 20 **Commission?**
 21 A. Assistant director transportation safety.
 22 **Q. And what are your responsibilities in that role?**
 23 A. As it relates to this docket, I review motor
 24 carrier safety passenger compliance investigations and
 25 make sure that they're done properly and consistent with

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1 the Commission's enforcement policy.
 2 **Q. And what qualifications, experience, or training**
 3 **do you have for that role?**
 4 A. I've been involved in the motor carrier safety
 5 program for several years in a variety of positions. As
 6 a safety investigator myself, certified to perform
 7 intrastate and interstate compliance reviews and
 8 investigations and then also served as supervisor of the
 9 Motor Carrier Safety Program.
 10 **Q. Thank you.**
 11 **I'd like to turn to the matter at issue in**
 12 **today's hearing. Are you familiar with the company**
 13 **called Shuttle Express?**
 14 A. Yes.
 15 **Q. And how are you familiar with Shuttle Express?**
 16 A. The company is regulated by the Commission as an
 17 auto transportation company and a charter.
 18 **Q. And what is the current status of Shuttle**
 19 **Express' auto transportation operation?**
 20 A. As Mr. Sherrell described, the company suspended
 21 its operations in March 2020 following the COVID-19
 22 pandemic. The company also has a transfer application
 23 in the door with the Commission and a request to cancel
 24 its operating authority also pending before the
 25 Commission.

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1 **Q. And are you familiar with the investigation of**
 2 **Shuttle Express at issue in this docket?**
 3 A. Yes.
 4 **Q. And how are you familiar with that**
 5 **investigation?**
 6 A. As I mentioned previously, I review all the
 7 motor carrier safety investigations and this is one of
 8 those.
 9 **Q. And did you review the investigation that has**
 10 **been admitted as Exhibit MP-1?**
 11 A. Yes.
 12 **Q. Based on your understanding, what issue or**
 13 **issues related to Shuttle Express, the investigation**
 14 **regarding Shuttle Express, are being considered today?**
 15 A. So as Judge Howard mentioned, the company
 16 admitted the violations identified in the Staff's
 17 investigation report. We're here today to discuss the
 18 appropriate penalty for those violations.
 19 **Q. And just a moment ago, you mentioned you had**
 20 **reviewed the Staff investigation report, correct?**
 21 A. Yes.
 22 **Q. Did the investigation report include a penalty**
 23 **recommendation?**
 24 A. Yes.
 25 **Q. And what was that penalty recommendation?**

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1 A. The penalty recommendation in Staff's
 2 investigation report is \$409,030 for violations of
 3 Commission regulations. I'd be happy to go over those
 4 if you'd like.
 5 **Q. Certainly.**
 6 **Broadly, have circumstances changed since Staff**
 7 **made its original penalty recommendation?**
 8 A. Yes.
 9 **Q. And without getting too much into the specifics**
 10 **yet, how have circumstances -- how have circumstances**
 11 **changed since the original penalty recommendation?**
 12 A. A couple of things have occurred. The company,
 13 as I've already discussed, admitted to extend a portion
 14 of its authority and transfer another portion of its
 15 rights under its certificate from Shuttle Express to
 16 Wickkiser International Company, Inc., doing business as
 17 Airport Shuttle.
 18 The company submitted a request to cancel the
 19 remaining portion of its auto transportation certificate
 20 numbers B-000975 and cancel its charter certificate,
 21 certificate numbers CH-000171. And then one other
 22 circumstance that I don't know that it's changed but
 23 it's continued, has been the COVID-19 pandemic and the
 24 impact to the passenger transportation industry.
 25 **Q. And based on these changed circumstances, does**

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1 **Staff have an updated or revised penalty recommendation?**
 2 A. Yes.
 3 **Q. And what is that recommendation?**
 4 A. Staff would recommend that the entire penalty be
 5 suspended with conditions.
 6 **Q. And I'd like to discuss the reasoning for**
 7 **revised penalty recommendation. What, if anything, did**
 8 **you review as part of your reconsideration of Staff's**
 9 **recommended penalty?**
 10 A. The Commission's enforcement policy in Docket
 11 A-120061.
 12 **Q. And does that policy contain enforcement penalty**
 13 **factors?**
 14 A. Yes.
 15 **Q. And how many factors does the policy contain?**
 16 A. There are 11 enforcement factors.
 17 **Q. And did Staff consider each factor when revising**
 18 **its penalty recommendation?**
 19 A. Yes.
 20 **Q. On balance, after reviewing and applying the**
 21 **penalty factors, did you determine that the penalty**
 22 **factors favored a relatively higher penalty or favored**
 23 **mitigating a penalty?**
 24 A. I would say that the factors were mixed, but
 25 there were certain -- there were certain factors that

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1 highlight that the company knew or should have known
 2 about the violations and support of higher penalty;
 3 factor two, which is whether the violations were
 4 intentional or not; factor six, the number of the
 5 violations; factor nine, the company's past performance;
 6 and factor 10, the company's compliance program.
 7 **Q. And you mentioned before that the factors were**
 8 **mixed, were there any factors that favored mitigating a**
 9 **penalty?**
 10 A. Yeah, there were a number of factors. Factor
 11 one, which was harm to consumers, and the Commission
 12 didn't receive consumer complaints as described in the
 13 Staff's investigation report. Factor five was corrected
 14 violations or remedied the violations. The company
 15 hasn't, per se, remedied the violations, but it is
 16 shutting its doors, which in essence resolves the issue.
 17 Factor seven, the number of customers affected; and then
 18 factor eight, again, company closing down probably
 19 reduces -- it should reduce the likelihood of
 20 recurrence.
 21 **Q. And does the Commission enforcement policy also**
 22 **contain factors whether -- regarding whether to suspend**
 23 **some or all of the penalty?**
 24 A. Yes.
 25 **Q. And how many suspension factors are there?**

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1 A. There are five factors.
 2 **Q. Did you consider those factors as part of your**
 3 **revised penalty recommendation?**
 4 A. Yes.
 5 **Q. Let's discuss some of those factors.**
 6 **What is the first suspension factor?**
 7 A. The first factor would be whether or not this is
 8 a first-time penalty for this or a similar violation.
 9 **Q. And what was Staff's conclusion with regard to**
 10 **that factor?**
 11 A. Staff believes that this factor does not support
 12 suspension of the penalty. This is not the first time a
 13 violation or penalty that the company's received.
 14 **Q. And what is the second suspension factor?**
 15 A. Whether or not the company has taken a --
 16 specific actions to remedy the violations and avoid the
 17 same or similar violations in the future.
 18 **Q. And what was Staff's conclusion regarding the --**
 19 **regarding this factor?**
 20 A. This factor supports a suspended penalty.
 21 Again, the company is shutting down.
 22 **Q. And what is the third suspension factor?**
 23 A. Whether or not the company agrees to specific --
 24 to a specific compliance plan.
 25 **Q. And what was Staff's conclusion regarding this**

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1 **factor?**
 2 A. I would say, again, the factor supports
 3 suspended penalty.
 4 **Q. And can you explain why?**
 5 A. Yeah. Same answer; the company is closing its
 6 doors.
 7 **Q. What is the fourth suspension factor?**
 8 A. Whether or not the company and the Commission
 9 have an agreement to reinvestigate at a later time to
 10 check on the company's compliance.
 11 **Q. And what was Staff's conclusion regarding this**
 12 **factor?**
 13 A. This factor essentially doesn't apply. If the
 14 company shuts down, there's no need to reinvestigate
 15 Shuttle Express.
 16 **Q. And what is the fifth suspension factor?**
 17 A. Whether or not there are other circumstances
 18 that warrant suspension.
 19 **Q. And what was Staff's conclusion regarding this**
 20 **factor?**
 21 A. That there are other circumstances that support
 22 a suspended penalty. As previously mentioned, the
 23 COVID-19 pandemic and its impacts to the transportation
 24 safety -- transportation -- passenger transportation
 25 industry, and then Shuttle Express suspending its

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1 operations, it has no doubt suffered a loss of revenue
 2 since March 2020, and that it admits that the violations
 3 occurred I think were all factors that support
 4 suspension.
 5 **Q. And on balance, after reviewing and applying the**
 6 **penalty suspension factors, did Staff determine that the**
 7 **factors favored either relatively large or a relatively**
 8 **smaller suspended penalty?**
 9 A. Staff believes that the five suspension factors
 10 support a large suspended portion of penalty.
 11 **Q. And you mentioned earlier that Staff's**
 12 **recommendation is to suspend the entire \$409,030**
 13 **penalty; is that correct?**
 14 A. Yes.
 15 **Q. How long -- does Staff have a recommendation**
 16 **about how long the penalty should be suspended for?**
 17 A. Three years.
 18 **Q. Does Staff have any recommendations about terms**
 19 **associated with the waiver of the suspended penalty?**
 20 A. Yes.
 21 **Q. And what are those recommendations?**
 22 A. Staff recommends that the Commission establish
 23 three conditions on the waiver of the suspended penalty.
 24 If the company violates a term of the suspension, the
 25 company would be liable for some or all of the suspended

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1 penalty amount depending on which condition is breached
 2 or violated. And then any remaining portion of the
 3 suspended penalty could be waived three years after the
 4 effective date of the Commission's order. And I'd be
 5 happy to go over those three conditions.
 6 **Q. Excellent.**
 7 **What is the first condition?**
 8 A. First the company would be liable for the entire
 9 \$409,000 penalty if it or a reincarnation of the company
 10 as a term that's used in 49 CFR 386.73 operates as an
 11 auto transportation company without a Commission
 12 certificate of convenience and necessity within three
 13 years of the effective date of the Commission's order.
 14 **Q. And what is the second condition?**
 15 A. The company or reincarnation, again, will be
 16 liable for approximately \$54,000 or one-eighth of the
 17 penalty amount if the company applies for an auto
 18 transportation certificate of convenience and necessity
 19 within three years of the effective date of the
 20 Commission's order.
 21 **Q. And what is the third condition?**
 22 A. The company, again, or a reincarnation, will be
 23 liable for approximately \$355,000 of the penalty amount
 24 if the company commits a repeat violation of any of the
 25 violations at issue in Staff's complaint in this docket.

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1 **Q. So to summarize, what again is Staff's revised**
 2 **penalty recommendation?**
 3 A. So in summary, Staff recommends suspending the
 4 entire penalty for a period of three years subject to
 5 the three conditions just explained.
 6 **Q. Does this conclude your testimony?**
 7 A. Yes, it does.
 8 MR. FUKANO: Thank you. No further
 9 questions.
 10 JUDGE HOWARD: Thank you.
 11 Do we have any questions from Public
 12 Counsel?
 13 MS. SUETAKE: No, Your Honor. Public
 14 Counsel has no questions for Staff.
 15 JUDGE HOWARD: Do we have any questions from
 16 Shuttle Express for Mr. Perkinson?
 17 MR. SHERRELL: Shuttle Express has no
 18 questions.
 19 JUDGE HOWARD: Well, thank you for your
 20 testimony, Mr. Perkinson. I don't have any follow-up
 21 questions myself.
 22 Mr. Fukano, would Staff rest its case at
 23 this point?
 24 MR. FUKANO: Yes, Your Honor. Nothing
 25 further from Staff.

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1 JUDGE HOWARD: Okay. Ms. Suetake, you may
 2 call your witness.
 3 MS. SUETAKE: Public Counsel calls Sarah
 4 Laycock to the stand.
 5 JUDGE HOWARD: Ms. Laycock, will you raise
 6 your right hand and I will swear you in?
 7 (Sarah Laycock sworn.)
 8 JUDGE HOWARD: Thank you.
 9 You may proceed.
 10 MS. SUETAKE: Thank you, Your Honor.
 11
 12 E X A M I N A T I O N
 13 BY MS. SUETAKE:
 14 **Q. Please state your name for the record and spell**
 15 **your last name.**
 16 A. My name is Sarah Laycock, L-a-y-c-o-c-k.
 17 **Q. And who is your employer?**
 18 A. The Public Counsel Unit of the Washington State
 19 Attorney General's Office.
 20 **Q. And what is your occupation?**
 21 A. I am regulatory analyst for the Public Counsel
 22 Unit.
 23 **Q. And how long have you been with -- regulatory**
 24 **analyst for Public Counsel Unit?**
 25 A. My current employment as a regulatory analyst of

1 Public Counsel began in November of 2017.
 2 **Q. What training have you received for this**
 3 **position since joining Public Counsel?**
 4 A. I completed the basic practical regulatory
 5 training for the electric industry in May of 2018 for
 6 the Center for Public Utilities at New Mexico State
 7 University and also completed the Public Utilities
 8 Reports Guide Principles of Public Utilities Operations
 9 and Management course in May of 2018.
 10 **Q. What types of matters and issues have you**
 11 **represented Public Counsel?**
 12 A. Since joining the Attorney General's Office, I
 13 testified on a variety of proceedings including electric
 14 and gas rate cases, water, telecommunications, and
 15 electric utility complaint cases. Most recently, I have
 16 been involved in the PSE Colstrip case, Colstrip sale
 17 case, the near acquisition, and the PSE billing
 18 complaint. Additionally, I have participated in
 19 conservation and IRP training groups along with work
 20 groups such as carbon and electricity market work group.
 21 **Q. What is the purpose of your testimony in this**
 22 **proceeding?**
 23 A. I am testifying to describe Public Counsel's
 24 interest in the proceeding and our penalty
 25 recommendation.

1 **company's current circumstances, what is Public**
 2 **Counsel's recommendation at this time?**
 3 A. Because the company has filed a request to
 4 permanently discontinue all regulated service and cancel
 5 its license, Public Counsel recommends the UTC assess a
 6 penalty of \$409,030 that would only go into effect if
 7 Shuttle Express requests authority to operate again or
 8 the owners and operators of the company, Jimmy and Karen
 9 Sherrell, seek authority to operate a shuttle company or
 10 similar transportation company.
 11 Upon receiving new authority to operate, the
 12 penalty will go into effect and will be suspended for
 13 two years from the effective date of the new authority.
 14 The suspended penalty would then be waived if no
 15 violations occur during the suspension period.
 16 **Q. Can you explain when the two-year suspended**
 17 **penalty would take into effect -- would take effect?**
 18 A. Sure. The two-year suspension period would only
 19 start upon the company either reestablishing service or
 20 reincarnating as a new company. Upon receiving new
 21 authority to operate, the two-year clock would start
 22 running.
 23 **Q. And how did Public Counsel come to the \$409,030**
 24 **penalty?**
 25 A. Public Counsel agreed with the \$409,030 penalty

1 **Q. And what merit material did you review in**
 2 **preparation for this hearing?**
 3 A. In preparing for the hearing, I reviewed Staff's
 4 complaint, the investigation report and its attachments,
 5 data requests, Shuttle Express's request for temporary
 6 suspension, which is Docket TC-200323, the company's
 7 application for voluntary cancellation, which was Docket
 8 TC-200887, the prior complaint order in consolidated
 9 Dockets TC-143691, TC-160516, and TC-161257, Wickkiser's
 10 application for transfer, which was docket TC-200824,
 11 and finally the enforcement policy, Docket A-120061.
 12 **Q. Thank you.**
 13 **And what is your understanding of the state of**
 14 **the company right now?**
 15 A. In March of this year, the company requested to
 16 temporarily suspend all UTC-regulated operations due to
 17 the pandemic. Shuttle Express stated that they were
 18 unable to continue to operate and that it intended to
 19 surrender all of its operating licenses.
 20 On October 28th of this year, the company filed
 21 its official request for voluntary cancellation of all
 22 services from the effects of COVID, including a
 23 financial impact on the company. The application is
 24 currently pending.
 25 **Q. Okay. And given your understanding of the**

1 amount that Staff recommend in the initial complaint
 2 given the recurring nature of the violations and to
 3 deter future violations.
 4 **Q. And why does Public Counsel recommend a**
 5 **suspended penalty structure?**
 6 A. Public Counsel recommends the suspended penalty
 7 to prevent the company from simply applying to resume
 8 operations once the pandemic no longer impacts for them
 9 and to act as a deterrent against future violations if
 10 service is resumed. Public Counsel recommends a
 11 two-year suspension period because this is a sufficient
 12 period of time for the company to demonstrate that it
 13 can operate in full compliance with the UTC rules and to
 14 raise as an efficient deterrent against rule violations.
 15 **Q. Why does Public Counsel recommend suspending the**
 16 **entire penalty with no payment required at this time?**
 17 A. Public Counsel recommends suspending the whole
 18 penalty because of the pandemic and the economic impacts
 19 that it's had on the company. The penalty would simply
 20 be punitive with no deterrent value to require payment
 21 now if the company is completely shut down.
 22 Additionally, there were no customer complaints
 23 regarding these violations.
 24 **Q. And having heard -- just heard Staff's**
 25 **recommended penalty, does Public Counsel object to their**

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<p>1 recommendation? 2 A. No, Public Counsel does not object to Staff's 3 recommendation. The primary terms are substantially 4 similar to Public Counsel's recommendations and Staff's 5 recommendation imposes the full penalty upon the company 6 as a suspended penalty and does not require any payment 7 at this time. 8 MS. SUETAKE: Thank you. That is all my 9 questions and Ms. Laycock is available for 10 cross-examination. 11 JUDGE HOWARD: Okay. Do we have any 12 questions from Staff? 13 MR. FUKANO: No questions from Staff. 14 JUDGE HOWARD: Mr. Sherrell, do you have any 15 questions for Public Counsel's witness? 16 MR. SHERRELL: Shuttle Express has no 17 questions. 18 JUDGE HOWARD: Ms. Suetake, does Public 19 Counsel rest its case at this point? 20 MS. SUETAKE: Yes, Your Honor. Public 21 Counsel rests its case. 22 JUDGE HOWARD: Thank you for your testimony, 23 Ms. Laycock. You are excused. 24 With the testimony concluded, I will give 25 each party an opportunity for closing oral statement --</p>	<p>1 penalty be imposed if Shuttle Express having been 2 granted an auto transportation certificate commit the 3 repeat violation of the violation at issue in Staff's 4 complaint within three years of the final order 5 effective date. 6 Staff's recommendation is informed not only 7 by its review and application of the Commission's 8 enforcement policy factors, but also by the 9 understanding that penalties are generally intended to 10 punish unlawful behavior and incentivize future 11 compliance. While the company has admitted to the 12 violations, the fact that the company is relinquishing 13 its Commission operating authority removes the policy 14 need to incentivize future compliance. 15 In balancing these circumstances, Staff 16 argues that it is reasonable to impose the entire 17 recommended penalty amount given the numerous admitted 18 violations. While the company has stated, I believe, it 19 was necessary to act in the manner as it did, Staff 20 maintains that the public interest requires the company 21 to comply with existing laws and regulation and in 22 appropriate circumstances, utilize the channels made 23 available to change the such regulation consistent with 24 the Commission's prior direction in Docket TV-120323 25 Order 4.</p>
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<p>1 an oral closing statement. I will -- first -- I will do 2 this in the normal order we would normally -- we would 3 follow in these proceedings. So I will -- I will go 4 with Staff, Public Counsel, and then the company. 5 So, Mr. Fukano, would you like to proceed? 6 MR. FUKANO: Yes, thank you, Your Honor. 7 As has been noted, Shuttle Express does not 8 contest the violations alleged in Staff's complaint in 9 this docket, but rather this hearing is about 10 determining the appropriate penalty for these admitted 11 violations. After considering the Commission's 12 enforcement policy guidelines and circumstances of the 13 company, Staff recommends that the Commission impose a 14 \$409,030 penalty and suspend that entire penalty for a 15 period of three years subject to three conditions. 16 First, that the entire penalty be imposed if 17 Shuttle Express is found to be operating as an auto 18 transportation carrier without reapplying for Commission 19 authority within three years of the final order 20 effective date. 21 Second, that 450,000 of the suspended 22 penalty be imposed if Shuttle Express is granted an auto 23 transportation certificate of convenience, the necessity 24 within three years of the final order effective date. 25 Third, that the remaining \$355,030 suspended</p>	<p>1 Notwithstanding, Staff also argues that it 2 is reasonable to suspend the entire amount of penalties 3 given the lack of consumer complaints about Shuttle 4 Express during the period under review and the fact that 5 the company will likely soon to -- will likely soon 6 cease to operate under Commission regulation. 7 And Staff would also like to clarify that 8 given the additional testimony today from the company 9 regarding a Shuttle Express 2, that its penalty 10 recommendations would only affect the Shuttle Express 11 regulated by the Commission currently. 12 Consequently, Staff asks that the Commission 13 adopt Staff's penalty recommendation. Thank you. 14 JUDGE HOWARD: Ms. Suetake, would you like 15 to proceed? 16 MS. SUETAKE: Thank you, Your Honor. Public 17 Counsel's penalty in this proceeding has been in flux 18 throughout this proceeding, given the -- the very 19 strange nature of this proceeding and how it's unfolded. 20 And given the current state of the company, we are now 21 currently recommending to impose the full \$409,030 22 penalty, but only as a suspended penalty, which would go 23 into effect only upon the reestablishment of service or 24 reincarnation as a new entity. 25 Public Counsel also recommends that the</p>

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1 penalty upon reestablishment of service be held in
 2 suspension for two years on that new entity and would
 3 only be on a condition that the company commit no
 4 further violations within those two years.

5 This unusual structure was intended to
 6 recognize the fact that the current -- the company as
 7 currently operating will go -- will cease to operate due
 8 to the effects of the pandemic. And we wish to
 9 recognize the fact that the penalty provisions are not
 10 intended to be punitive on the company, but are
 11 primarily intended to deter future violations.

12 And due to that -- that factor, we -- and
 13 also in recognition of the fact that the company has
 14 repeatedly violated these same provisions, we felt that
 15 the public interest was serviced by holding the
 16 suspended penalties on newly reincarnated company
 17 assuming the same owners.

18 Public Counsel's recommendation is
 19 substantially similar to Staff's recommendation in that
 20 we've both recognized the need to suspend the penalty.
 21 Our -- the differences are upon the timeframe as to when
 22 that penalty will go into effect. Public Counsel does
 23 not have an objection to Staff's recommendation, but we
 24 do believe that there must be some penalty enforced upon
 25 the newly incarnated company. Sorry. Whether or not

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1 the company -- or the Commission seeks to impose Staff
 2 or Public Counsel's penalty, we believe that both of
 3 these recommended penalties are in the public interest
 4 and are reasonable. And with that, Public Counsel has
 5 no further comments.

6 JUDGE HOWARD: Thank you.

7 Mr. Sherrell, would you like to give a
 8 closing statement?

9 MR. SHERRELL: Yes, I do. I would like to
 10 state that Shuttle Express has always seeked [sic] to
 11 operate within the regulations of the WUTC and supports
 12 its regulations. And I strongly encourage -- and I want
 13 it to be on the record -- that should another operator
 14 begin, they want to do share ride or scheduled service,
 15 that those two entities can be combined, and I just want
 16 it to be that for the record. Because otherwise, with
 17 the new culture that's going on in America right now,
 18 separating the two doesn't work and I have 34 years to
 19 justify.

20 So other than that, I'd say I -- I salute
 21 the Staff for the work they've done and I agree with all
 22 the testimony. Thank you.

23 JUDGE HOWARD: All right. Thank you all for
 24 your testimony today. I will take this testimony and
 25 initiate an order soon.

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1 Before we adjourn, I'd like to request the
 2 parties waive the requirement to issue an order in ten
 3 days. I like to have the transcript available when I'm
 4 writing my decision and that could take around seven to
 5 10 days. I would anticipate that I'd issue an order
 6 within ten days of the date of receiving the transcript
 7 at the latest. Does -- do any of the parties have an
 8 objection to waiving that requirement?

9 MR. FUKANO: No objection from Staff.
 10 MS. SUETAKE: No objection from Public
 11 Counsel.

12 MR. SHERRELL: No objection from Shuttle
 13 Express.

14 JUDGE HOWARD: All right. Thank you all.
 15 Does any party have anything further before we go off
 16 the record?

17 MR. FUKANO: Nothing further from Commission
 18 Staff. Thank you.

19 MS. SUETAKE: Nothing further from Public
 20 Counsel.

21 MR. SHERRELL: Nothing further from Shuttle
 22 Express.

23 JUDGE HOWARD: All right. Thank you all for
 24 attending the proceeding today and we are off the
 25 record. We are adjourned.

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1 (Adjourned at 10:30 a.m.)
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CERTIFICATE

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358

<p style="text-align: center;">A</p> <p>A-120061 43:11 52:11 a.m 19:16 22:2,8 62:1 ability 24:13 63:9 able 27:20 30:10 absolutely 32:15 accidentally 23:8 accurate 63:9 acquisition 51:17 act 54:9 57:19 acted 36:22 action 24:9 actions 28:12 45:16 additional 37:5 58:8 Additionally 51:18 54:22 address 25:19 adjourn 61:1 adjourned 61:25 62:1 administrative 19:13 20:2 22:12 admissibility 27:21 27:24 ADMISSION 21:10 admit 28:5 admits 47:2 admitted 27:14,15 28:7 33:23 41:10 41:16 42:13 56:10 57:11,17 adopt 58:13 affect 58:10 afterward 29:8 agency 33:6 ago 41:19 agree 28:1,3 29:5 34:10 60:21 agreed 53:25 agreement 24:12 24:20 25:2,9,12 33:11 46:9</p>	<p>agrees 45:23 ahead 27:22 30:2 35:18 Air 32:2 airport 30:4 32:16 38:4 42:17 airports 32:12 alive 32:9 35:4 38:8 alleged 24:1,5 56:8 alleging 25:22 allow 24:7 29:21,23 32:11 39:1 allowed 30:24,25 amenable 36:11 America 60:17 amount 48:1,17,23 54:1 57:17 58:2 analyst 50:21,24,25 answer 34:24 46:5 answered 37:21 38:17 anticipate 61:5 anymore 31:22 Apologies 22:21 appealed 24:8 25:9 appearance 22:20 23:2 appearances 22:13 appearing 29:20 application 36:15 40:22 52:7,10,23 57:7 applied 32:2 applies 48:17 apply 46:13 applying 43:20 47:5 54:7 Appreciate 36:13 appropriate 24:4 24:15 26:10 28:15 28:19 41:18 56:10 57:22 approximately 48:16,23 argues 57:16 58:1 asked 33:10 38:15</p>	<p>38:16 asking 25:6 asks 58:12 assess 53:5 assessing 25:10 Assistant 20:7,13 22:22,23 23:5 39:21 associated 47:19 assumed 37:18 assuming 59:17 attachments 52:4 attempt 32:9 attending 61:24 attorney 20:7,7,13 20:13 22:23,24 23:6 26:16 29:20 29:22 35:17 39:1 50:19 51:12 attorneys 29:23 authority 35:10,21 36:6,16 40:24 42:14 53:7,9,11 53:13,21 56:19 57:13 auto 40:17,19 42:19 48:11,17 56:17,22 57:2 available 55:9 57:23 61:3 Avenue 19:22 20:14 avoid 45:16 aware 23:12 24:19</p>	<p>34:11 37:17 Bayview 30:21,21 31:5,18,23 37:15 37:25 38:2,3,4,6,8 began 51:1 behalf 22:25 26:1 29:21 behavior 57:10 Bel 32:1 believe 25:12 28:18 57:18 59:24 60:2 believes 45:11 47:9 best 36:11 63:9 better 35:24 36:10 big 38:6 billing 51:17 bit 37:9,24 black 31:12,14 blessed 35:5 booked 30:20 bottom 32:19 33:8 Box 20:8 breached 48:1 brief 34:15 Broadly 42:6 Buell 19:21 business 37:18 38:7 42:16 button 26:20</p>	<p>40:9 41:7 56:18 carrying 31:5 38:5 cars 32:12 case 22:8 24:3,16 25:15,16 49:22 51:16,17 55:19,21 cases 51:14,15 caused 30:4 CCR 19:20 63:14 cease 58:6 59:7 Center 51:6 certain 43:25,25 Certainly 27:17 42:5 certificate 42:15,19 42:20,21 48:12,18 56:23 57:2 certificates 36:8 certified 40:6 63:6 certify 63:8 CFR 48:10 CH-000171 42:21 chance 24:17 change 29:10 35:16 57:23 changed 32:11 42:6 42:11,22,25 changes 28:11 changing 28:21 channels 57:22 Chapter 23:25 charter 32:6 40:17 42:20 check 46:10 circumstance 42:22 circumstances 42:6 42:10,10,25 46:17 46:21 53:1 56:12 57:15,22 clarification 36:3 36:13 clarify 25:7 35:20 36:21 37:23 38:18 58:7 clarifying 26:10</p>
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