

April 23, 2002

BY TELEFAX

RE: Application of Pearson, Sharyn and Zepp, Linda, d/b/a Centralia-SeaTac Airport Express
Docket No. TC-010273

TO PARTIES OF RECORD:

Re: Ruling on Sharyn Pearson request to withdraw transfer application

On April 8, 2002, the Commission received a letter by telefax from Sharyn Pearson seeking permission to withdraw the existing transfer application in this docket. The letter does not indicate whether the letter was served on the parties to the proceeding. On April 11, 2002, the regulatory staff of the Commission (Staff) filed with the Commission a response indicating that Staff does not object to Centralia-SeaTac's request to withdraw, if the Commission imposes certain conditions on the withdrawal.

On April 12, 2002, Ms. Pearson was given the opportunity to serve her request for permission to withdraw on all parties to this case no later than 10:00 a.m. on Tuesday, April 16, 2002. Responses to the request to withdraw were sought no later than noon on Thursday, April 18, 2002.

On April 15, 2002, the Commission received a letter from Counsel for Ms. Linda Zepp seeking an extension to Monday, April 22, 2002, to file a response. The Commission extended the time for filing of responses until 5:00 Monday, April 22, 2002.

On April 22, 2002, Ms. Zepp responded, asking the Commission, in lieu of authorizing withdrawal, to continue the prehearing conference and hearing scheduled for April 25, 2002, to a mutually agreeable time. Ms. Zepp's letter does not indicate whether she has contacted the other parties to the proceeding to determine whether they would object to such a continuance, nor does it indicate what mutually agreeable times are available from the parties. See, WAC 480-09-440. On April 22, 2002, Pacific Northwest Transportation Services, Inc., (PNWTS) also responded, asking the Commission not to allow withdrawal of the application, and noting unresolved issues. First, PNWTS alleges that Ms. Pearson has not followed through on an agreement to pursue arrangements (e.g. a lease agreement or management agreement between Pearson & Zepp, d/b/a

Centralia-SeaTac Airport Express and Centralia-SeaTac Airport Express, LLC) by fall 2001, and that Centralia-SeaTac Airport Express owes regulatory fees from 2001 that have not been paid.

These responses raise sufficient concern that the Commission will not grant the request to withdraw at this time. Two hearings in this case are scheduled for April 25, 2002. Both were scheduled in the Second Supplemental Order entered March 6, 2002. The first, beginning at 9:00 a.m., is a prehearing conference. The March 6 order indicates that the purpose of this conference is the exchange and premarking of exhibits. The purpose of this prehearing conference will be expanded to include a discussion of the best way to proceed in this case. The second hearing is the substantive hearing in this matter. Parties should be prepared to go forward with this hearing at 9:30 a.m. on April 25, 2002 unless a decision is made at this conference to continue or to dismiss the application.

Sincerely,

MARJORIE R. SCHAER
Administrative Law Judge