

**BREMERTON-KITSAP AIRPORTER, INC.**  
**P.O. Box 1255**  
**Port Orchard, WA 98366**

Secretary  
Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive, SW  
P.O. Box 47250  
Olympia, WA 98504-7250

October 21, 2005

Dear Ms. Washburn,

Re: Docket No. TC-020497

The following comments are offered in response to subject docket number TC-020497 and are submitted on behalf of Bremerton-Kitsap Airporter, Inc. by Richard E. Asche, President. These comments are submitted with the understanding that a stakeholders meeting will be held prior to codifying the rules in Docket No. TC-020497 and further, that rate/rate methodology rules will be part of the finalized WAC 480-30-XXX.

The undersigned interposes no objections to the rules as written in the Discussion Draft Rules with the following exceptions or clarifications:

**Insurance Minimums.** There are no objections to these rules as proposed.

**Owner-Operators/Independent Contractors/Subcontracting.** We have no objections to Shuttle Express' desires to becoming an owner-operator entity, subject to the following conditions: (A) The proposal is in full compliance with RCW 81.68 and other applicable statutes (B) The proposal will not necessitate any legislative changes to applicable statutes.

**Security.** Rules for inspection of baggage must be very specific as to when, where and under what conditions baggage is inspected. For example, should baggage be searched randomly during DHS designated "Condition Orange" and all baggage must be searched during "Condition Red"? Also, is baggage to be inspected for airport bound passengers, where baggage is again searched? What about baggage from Sea-Tac outbound passengers? If inspection procedures are a determination of the driver or the company that employs him/her, it is important that such procedures be clearly defined and protect operators and the WUTC from lawsuits. Recommend that security issue rules be deferred until further guidance from the U.S. Department of Homeland Security or U.S. Department of Transportation.

**Rates and Rate Methodology.** This matter has been on the table for many years and was the principal topic presented at the Stakeholders Meeting two years ago. It was also tabled at that time. We believe that further study is unnecessary as there has been ample opportunity for further study by all concerned and to reach a decision on the matter. Since January 1, 2005, our gasoline costs have increased 58% and while the allowed gasoline surcharges partially offset the additional cost; they do not adequately cover the total gasoline burden. Inflationary pressures on other goods and services necessary to operate this business soon “eat up” the 7% net profit allowed by current revenue methodology. Immediate help is needed! The costs and time involved in filing for a fare increase are excessive and will be the subject of the recent WUTC request for economic impact of these proposed rules.

We propose a revision in the methodology used in the determination of our “fares” versus Utility Company “rates”. It is clear that the statutes allow the WUTC great latitude in the calculation of Auto Transportation Company fares that are “fair, just, reasonable and sufficient” and will require no statutory changes for the implementation of these proposed changes.

**We seek flexibility in setting rates within a band of 20% of existing fares, adjusted annually.** Moreover, the Commission has already set rate zones (bands) for the Washington Household Goods Carriers, also regulated by the WUTC. (WAC 480-15-490). Similarly, the corresponding HHG statute (RCW 81.80.130) requires that the Commission must set fair, just, reasonable and sufficient rates and charges.

We recommend that a stakeholders meeting be held soon and that fares and fare methodology be incorporated into the rules before they are approved. Rules changes as proposed above would virtually eliminate 50% of Part 7 of these proposed rules. Additionally, the necessity to file for gasoline surcharge approval could be discontinued.

**WAC 480-30-056 Records retention, auto transportation company. Para (3) (i)(E).** This is a burdensome requirement placed on drivers who must diligently annotate trip sheets each time he/she is late by more than 30 minutes. Washington roads and highways are frequently blocked for accidents, inclement weather, road maintenance or simply because there are too many cars on the road. This record is unnecessary and serves no purpose. All auto transportation company tariffs clearly state that the carrier is not responsible for delays caused by the above conditions.

**WAC 480-30-086 Certificates, general. Para. (3).** In 26 years of operation there have been no requests by customers to see our operating authority from operators of our vehicles. Since our certificate number is displayed on the side of each vehicle and our certificate is on display in our office, carrying a copy of our authority in the vehicle is unnecessary.

**WAC 480-30-141 Certificates, sale, lease, assignment, transfer or mortgage, auto transportation company. Para. (3).** This paragraph is unclear since all auto transportation companies are corporations and their change in ownership is most likely through sale of the company stock.

**WAC 480-30-216 Operation of motor vehicles, general. Para. (4).** This loading capacity is in conflict with common sense and possibly state law. It is a physical impossibility to squeeze 23 passengers into a 15-passenger capacity van.

**WAC 480-30-231 Vehicle and driver identification. Para.(1) (b).** The exception for destination signs must be airporter vans or busses, inasmuch as they are either going to or returning from the airport. Their destination can be determined by their direction of travel. However, customers at our pick-up/drop off locations frequently ask drivers whether they are airport bound or not. Since our busses are not equipped with electronic signage, a placard must be placed on the dashboard and would possibly obscure the driver's visibility. We are open to a feasible solution.

**WAC 480-30-241 Commission Compliance policy. Para. (3) (a).** Does the commission's willingness to perform technical assistance extend to on-site assistance visits to help perform all the accounting steps, pro-forma and depreciation schedules and justification etc. required when filing for a rate case?

**WAC 480-30-281 Tariffs and time schedules, content. Para.(2) (b) (i), (ii), and (v).** Filed schedules containing scheduled arrival and departure times for all termini and intermediate points served would be duplicitous inasmuch as BKA, Inc. arrival times are ten minutes prior to all scheduled departure times. Subparagraph (2) (b) (v) is unclear.

**WAC 480-30-286 Tariffs and time schedules, posting.** Company brochures containing time schedules and tariff amounts are maintained in each vehicle and at each passenger facility except at Park and Ride lots. Filed tariff and time schedules are available for inspection at company offices. Perhaps the WUTC can make them available on their web site as well.

**WAC 480-30-356 Tariffs and Time Schedules, tariff rules. Para. (3) (i).** Providing alternate means of transport to a reservation holder when a company is unable to provide transportation is too vague. Circumstances for not being able to provide transportation vary considerably. Was the bus late because of road

conditions, traffic delays, weather etc. and the customer claims he was forced to take a taxi? Needs clarification of circumstances when this rule applies.

**WAC 480-30-381 Tariffs and time schedules, filing procedures. Para. (2)**

**(b) (ii).** The amount revenue will change if proposed rates are approved is an estimate based on the test period passenger count and it is one year obsolete. Existing WUTC tariff rules do not allow forecasting when filing for a new tariff. Is this pertinent and necessary? It would not be necessary if Section 7 changes suggested above were implemented. It is the fares that are pertinent, not the revenue generated by those fares. In our industry's experience, as with any business, an increase in fares does not necessarily translate to an increase in revenue. The operator is the best judge for determining the correct fare, as he best understands his marketplace.

Sincerely,

Richard E. Asche  
President