

EXH. \_\_, PK-4

DATE PREPARED: April 3, 2017  
DOCKET: TC-143691, TC-160516  
REQUESTER: Shuttle Express, Inc.

WITNESS: Jack Roemer  
RESPONDER: Jack Roemer  
TELEPHONE: (206) 233-2895

**Data Request No. 59:**

Regarding Mr. Roemer's testimony at pages 44 and 45, regarding comparison of the Seattle and Hawaii markets and sustainability, please provide data regarding the numbers of passengers transported *overall*, and supporting documents, by month, and by the zip code that was the origin or destination of the trip to or from Sea-Tac Airport. If the data cannot be provided in exactly the form or format requested please provide the data in as similar and disaggregated form and substantive content as is available to SpeediShuttle.

**RESPONSE to Data Request No. 59:**

Speedishuttle objects that this request is harassing, unduly burdensome and seeks information which is irrelevant in the discovery sense. This request is not reasonably calculated to obtain information which is admissible on whether Speedishuttle is offering the service it was authorized to provide or whether its fares are below cost. As Speedishuttle has objected consistently, Speedishuttle Hawaii is a separate legal entity not subject to regulation in Washington and its records are not subject to discovery in this proceeding. This request further ignores the Administrative Law Judge's ruling on previously made requests for data from Speedishuttle Hawaii.

This request also re-requests information sought by Data Request No. 6. The Administrative Law Judge previously sustained Speedishuttle's objections to Data Request No. 6 and thus this request is an attempt to circumvent the prior rulings in this matter.

Finally, the Administrative Law Judge ruled on March 28, 2017 during a discovery conference at the deposition of Mr. Roemer that sustainability is not an issue in this proceeding.

**Data Request No. 60:**

Regarding Mr. Roemer's testimony at pages 44, 45 and 51, regarding sustainability and the need to try to fill vans, please provide data regarding the average numbers of passengers transported *per trip*, and supporting documents, by month, and by the zip code that was the origin or destination of the trip to or from Sea-Tac Airport. If the data cannot be provided in exactly the form or format requested please provide the data in as similar and disaggregated form and substantive content as is available to SpeediShuttle.

**RESPONSE to Data Request No. 60:**

Speedishuttle objects that this request is harassing, unduly burdensome and seeks information which is irrelevant in the discovery sense. This request is not reasonably calculated to obtain information which is admissible on whether Speedishuttle is offering the service it was authorized to provide or whether its fares are below cost.

This request also re-requests information sought by Data Request No. 6. The Administrative Law Judge previously sustained Speedishuttle's objections to Data Request No. 6 and thus this request is an attempt to circumvent the prior rulings in this matter.

Speedishuttle again incorporates by reference Shuttle Express' objection to Speedishuttle's Data Request No. 31:

Shuttle Express further objects to this request as overbroad, unduly burdensome, irrelevant in the discovery sense, imposed for an improper competitive and harassing purpose and not made in good faith. Moreover, Shuttle Express objects that this question seeks proprietary and competitively damaging information and is thus sought for an improper purpose, particularly in light of the unavailability of a protective order in this proceeding. Sharing specific cost and revenue data with a competitor would essentially, and unfairly, enable that competitor to target its services, marketing, and fares to better compete with Shuttle Express for the most profitable territories and services and to avoid competing for the less profitable or unprofitable territories an service.

Finally, Judge Pearson made the following ruling during the deposition discovery conference conducted during the deposition of Jack Roemer on March 28, 2017:

JUDGE PEARSON: I'll just restate as I have multiple times throughout this process that the only financial information that the

Commission is concerned with is whether SpeediShuttle is providing service below cost. So that's just the cost of providing the service, what they're recouping for that service. We didn't agree to look at the economic sustainability of both services. So your questions should be limited to getting at that one issue, and I'm kind of stunned that I'm having to explain that again.

**Data Request No. 61:**

Regarding Mr. Roemer's testimony starting at page 6, regarding the SpeediShuttle "business model" ("model" also discussed starting at page 39) and at various pages regarding SpeediShuttle's "plans" for the service to offer and how to operate upon entry into the Sea-Tac market, please identify and provide copies of any such model, plans, memos, or notes that reflect the planned offering and service.

**RESPONSE to Data Request No. 61:**

Speedishuttle objects that this request misstates testimony and is apparently intended to confuse and mislead the Commission. Mr. Roemer did not use the words "business model" on page 6 of his pre-filed testimony.

Speedishuttle also objects that Shuttle Express has repeatedly and pervasively requested proprietary information from Speedishuttle in a blatant attempt to use discovery in this proceeding to appropriate proprietary business information from Speedishuttle. The administrative law judge previously ruled on December 2, 2016 that Shuttle Express was not entitled to discovery of Speedishuttle's internal strategy information. The information relevant to this proceeding is whether Speedishuttle is providing the service it proposed. This request seeks information which is completely irrelevant to whether Speedishuttle is actually providing the service it proposed and cannot possibly lead to admissible information on that front.

Finally, Speedishuttle objects that this request is made purely to harass without any proper legal purpose.

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**Data Request No. 62:**

Regarding Mr. Roemer's testimony at page 7 that it is "targeting" a "niche" with its service features, please provide any documents or data that would tend to show or quantify the number of passengers SpeediShuttle serves that are within that "niche" or that SpeediShuttle serves passengers that would not use Shuttle Express because it lacks some or all of the SpeediShuttle "service features" Mr. Roemer describes.

**RESPONSE to Data Request No. 62:**

Speedishuttle objects that the words "target" and "niche" do not appear on page 7 of Mr. Roemer's testimony. Further, "targeting a niche" does not mean limiting oneself to that niche, as Shuttle Express has repeatedly disingenuously represented in this proceeding. Speedishuttle cannot provide the information requested because it has no business reason to track that information. Further, the information requested is blatantly irrelevant to the question of whether Speedishuttle is actually providing the service it proposed to provide. Finally, Speedishuttle does not ask its customers why they ride with them instead of choosing to ride with Shuttle Express or any of the numerous other transportation options in King County.