

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

THE ROCK TRANSPORTATION
SERVICES CORPORATION, d/b/a
WHIDBEY SEATAC SHUTTLE &
CHARTER

Petitioner,

For An Exemption from the Notice
Requirements in WAC 480-30-316(2)

DOCKETS TC-200132 and
TC-200257

ORDER 01

GRANTING EXEMPTION FROM
RULE ALLOWING LESS THAN
STATUTORY NOTICE;
ALLOWING TARIFF REVISIONS
TO TAKE EFFECT

BACKGROUND

- 1 On February 27, 2020, The Rock Transportation Services Corporation, d/b/a Whidbey SeaTac Shuttle & Charter (Rock Transportation or Company), filed with the Utilities and Transportation Commission (Commission) a tariff revision to simplify and update its tariff to make it more accessible to customers. On March 11, 2020, and again on March 13, 2020, the Company filed revisions to Time Schedule 11 to reduce the number of scheduled runs per day. These filings were docketed in TC-200132. On March 21, 2020, the Company submitted further revised tariff pages to suspend operations, as well as a request for Less than Statutory Notice handling per WAC 480-30-326, which was docketed in TC-200257 (Petition). The Company provides scheduled auto transportation service from points on Whidbey Island to Paine Field and SeaTac International airport.
- 2 WAC 480-30-316 requires auto transportation companies to provide 30 calendar days' notice to customers of any tariff or time schedule changes. The Company, however, requests a March 27, 2020, effective date to allow Rock Transportation to immediately respond to the rapidly changing conditions customers are facing due to the COVID-19 pandemic.
- 3 Rock Transportation is seeking a temporary change in its time schedule due to changes in travel conditions caused by the COVID-19 pandemic. The Company cites a reduction in customers due to the military restricting non-essential travel and restrictions on travel by state and federal government during the public health crisis. The Company seeks to suspend operations until April 18, 2020. Further, as of March 23, 2020, the State of Washington has been placed under a "Stay-Home, Stay Healthy" order issued by the

Governor,¹ which allows only certain exceptions for limited travel. The Company will remain open and provide service on demand as the situation allows.

4 Rock Transportation will reassess this suspension of service in 30-day increments until operations return to normal.

5 Staff requests that the filings be reviewed concurrently because the Company's proposals overlap and will simultaneously become effective. Staff reviewed the documents submitted and believes the Company's Petition to implement the tariff changes on Less than Statutory Notice is in the public interest. During the COVID-19 outbreak, the public is being asked to practice "social distancing" and reduce contact with others. Staff believes that reducing operations to on-demand service allows the Company to continue to operate in the present economic conditions. If the Company were required to run vehicles with unutilized occupancy, the Company would decrease efficiency and incur costs, creating a situation in which the rates charged will not be sufficient for the Company to continue its operations.

DISCUSSION

6 We agree with Staff that granting Less than Statutory Notice, and allowing the tariff filed February 27, 2020, as revised on March 11, March 13, and March 21, 2020, to go into effect on March 27, 2020, is in the public interest. Pursuant RCW 80.01.040 and WAC 480-30-326, the Commission may grant Less than Statutory Notice handling in the event of an emergency. The Governor's Proclamation 20-05 placed Washington in a state of emergency due to the COVID-19 pandemic, and the more recent Proclamation 20-25 restricts travel except for limited purposes.

7 Here, we find that requiring the 30-day notice would force the Company to operate under adverse, unforeseen conditions that may continue for an indeterminate period during the public health crisis. During that time, rates would either be unreasonable or insufficient to cover the costs of operation if the Company is required to adhere to its current schedule. Accordingly, we conclude that allowing the Company to respond to rapidly changing economic conditions by granting its request for Less than Statutory Notice handling is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

¹ Governor's Proclamation 20-25.

FINDINGS AND CONCLUSIONS

- 8 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, and affiliated interests of public service companies, including water companies.
- 9 (2) The Rock Transportation is an auto transportation company and a public service company subject to Commission jurisdiction.
- 10 (3) The Rock Transportation is subject to WAC 480-30-316, which requires auto transportation companies to provide 30 calendar days' notice to customers of any tariff or time schedule changes.
- 11 (4) Pursuant RCW 80.01.040 and WAC 480-30-326, the Commission may grant Less than Statutory Notice in the event of an emergency.
- 12 (5) This matter came before the Commission at its regularly scheduled meeting on March 26, 2020.
- 13 (6) Based on the COVID-19 pandemic and resulting state of emergency, the Commission finds good cause to allow the tariff revisions filed by Rock Transportation on March 21, 2020 to become effective with Less than Statutory Notice on March 27, 2020.

ORDER

THE COMMISSION ORDERS:

- 14 (1) The Commission grants The Rock Transportation Services Corporation, d/b/a Whidbey SeaTac Shuttle & Charter' Petition in Docket TC-200257 for an exemption from the notice requirements of WAC 480-30-316(2).
- 15 (2) The Rock Transportation Services Corporation, d/b/a Whidbey SeaTac Shuttle & Charter's: (a) tariff revisions filed on February 27, 2020, and Time Schedule 11, revised on March 11, 2020, and March 13, 2020, filed in Docket TC-200132, and (b) tariff revisions filed on March 21, 2020, in Docket TC-200257, are approved and will become effective by operation of law on March 27, 2020.

- 16 (4) The Commission retains jurisdiction over the subject matter and The Rock Transportation Services Corporation, d/b/a Whidbey SeaTac Shuttle & Charter, to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective March 26, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Mark L. Johnson

MARK L. JOHNSON
Executive Director and Secretary