

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. 70:

Regarding Mr. Roemer's testimony at page 35 regarding passengers "originating with wholesalers," being incorrect, please provide monthly data for 2015 and 2016 on all inbound (airline passengers arriving at Sea-Tac) passengers carried by SpeediShuttle and how many of those passengers originated: from a wholesaler, from a telephone call to SpeediShuttle, from a website booking on the SpeediShuttle site, from a SpeediShuttle Apple or Android app, as a "walk-up" (presenting at the SpeediShuttle kiosk without a prior reservation), or other. If there is an "other" please describe what it is.

RESPONSE to Data Request No. 70:

Speedishuttle objects that this data request seeks information which is wholly irrelevant in the discovery sense, and is not remotely calculated to lead to the discovery of admissible evidence. This request is designed to harass Speedishuttle through endless needless time and expense. It would require a large number of personnel hours to calculate the number of monthly passengers for each category requested, but this serves no purpose which would assist the Commission in determining whether Speedishuttle has in fact offered the service it proposed to provide. This request is one of many which have attempted to obtain trip data and passenger information, in an attempt to contravene the Administrative Law Judge's ruling on Shuttle Express' Motion to Compel, in which she sustained Speedishuttle's objection to Shuttle Express' Data Request No. 6. As Mr. Roemer testified, it is Mr. Marks who inaccurately testified regarding the percentages. Mr. Roemer, by informing the Commission that Mr. Marks is inaccurate and demonstrating Mr. Marks' lack of credibility on this point does not open the door to attacks on collateral issues through additional burdensome discovery.

Subject to and without waiving the foregoing objections, 35% of Speedishuttle's passengers in 2016 were through wholesale customers.

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Data Request No. 74:

Regarding Mr. Roemer's testimony at pages 40-41 regarding wholesale bookings, please provide identity of each SpeediShuttle wholesale customer, and for each customer provide the total number of passengers booked by each wholesaler, by month, for 2016.

RESPONSE to Data Request No. 74:

Speedishuttle objects that this request seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Further, this is proprietary business information which should not be made available to a competitor who will seek to use it gain a competitive advantage. Mr. Roemer's testimony at the referenced pages was simply pointing out the misstatements and contortions continuously made by Shuttle Express regarding the nature of the service that Speedishuttle proposed to offer, alluding to the fact that those misstatements and obfuscations are obvious from the application hearing testimony. Nothing about that testimony "opens the door" to Shuttle Express using discovery as a tool to steal proprietary business information about past or current customers. To the extent this request seeks information about ticket agents, the information is available from the UTC. All ticket agents with which Speedishuttle deals are on file with the Commission in contrast to Shuttle Express' commission agreements.

Further, Speedishuttle incorporates herein the following objection asserted by Shuttle Express 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."

SPEEDISHUTTLE'S RESPONSES TO SHUTTLE EXPRESS'
THIRD DATA REQUESTS - 42

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Data Request No. 75:

Regarding Mr. Roemer's testimony at pages 40-41 regarding wholesale bookings, for each SpeediShuttle wholesale customer please state which wholesale customers do and do not have exclusive "deals" with SpeediShuttle for Sea-Tac.

RESPONSE to Data Request No. 75:

Speedishuttle objects that this request seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objection, none of Speedishuttle's wholesale customers have exclusive agreements with Speedishuttle.