

SPEEDISHUTTLE WASHINGTON, LLC
RESPONSES TO DATA REQUESTS

DATE PREPARED: December 16, 2016
DOCKET: TC-143691, TC-160516
REQUESTER: Shuttle Express, Inc.

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

Data Request No. 2:

Provide copies of all emails between or among SS personnel and/or third parties that address or relate to the availability or provision of services to passengers or potential in the market who do not speak or do not read and write English or who are tech-savvy.

RESPONSE to Data Request No. 2:

Speedishuttle objects to this request as premature based on the pending Petition for Administrative Review. Further, Speedishuttle objects to this request as overbroad and unduly burdensome in that it requests “all emails” both internally and externally regarding multiple topics. The request is also vague, (“SS personnel”) compound and incomprehensible insofar as it seeks “...potential in the market who do not speak or do not read and write English or who are tech-savvy.” No definition of tech-savvy is also provided. It further objects on the basis that at no point was the issue of reading or writing English at issue in the prior proceeding, and therefore this request is objectionable as irrelevant in the discovery sense. Speedishuttle currently employs 50 employees and the burden, expense and business interruption impact of attempting to collect “all emails” on the myriad issues requested, is oppressive, burdensome and far outweighs the importance of the issues at stake in preparing for the adjudicative proceeding. Respondent will gather and produce screenshots of website and marketing materials (not emails) between its employees and third parties that address multilingual services by late September.

Modification of Data Request No. 2 based on 9-27-16 ruling.

SpeediShuttle must provide any correspondence that demonstrates how SpeediShuttle is executing the business plan approved by the Commission and providing only the service it is authorized to provide.

Response to DR 2 and 12:

Final Order 04, at Paragraph 21, defines the business plan approved by the Commission by stating, “the proposed service uniquely targets a specific subset of consumers seeking door-to-door service to and from the airport: those who are tourists, tech-savvy, or non-English speaking. Speedishuttle’s business model thus includes luxury vehicles, significantly increased accessibility for non-English speaking customers, individually-tailored customer service, tourism information, and Wi-Fi service.”

Speedishuttle is providing copies of all pages of our website, detail of our vehicles and their amenities and have filed Ticket Agent Agreements with the Commission with respect to every wholesale travel provider and hotel it deals with. Each of these Ticket Agent Agreements is with

a company that provides services primarily for *tourists*. Many of them, including but not limited to Go Airport Shuttle, Expedia, Viator and Mozio, provide *online or app based booking*. Some are primarily involved in booking transportation for foreign, non-English speaking guests, including, but not limited to AlliedTPro, American Tours International, Bonotel, Destination America, GTA, Hotelbeds, JayRide, JTB, Lotto Global and New World Travel. In addition, Speedishuttle has created our website as *responsive design* so that it automatically adapts to and looks very different on different devices (computers, tablets or cell phones). Speedishuttle has continued to invest in technology since opening, having released an *iOS app* that permits booking in the language which the iPhone is set to – including English, Chinese and Spanish, for example. Speedishuttle developed technology to send text message notifications to our departing guests 15 minutes before their scheduled pickup that provides a link allowing them to *track their shuttle*. In order to accommodate foreign guests, Speedishuttle’s system automatically detects a foreign telephone number and, instead of a text message, sends an email so that foreign guests do not incur excess roaming charges.

Speedishuttle also cannot prove a negative. Speedishuttle does not advertise in the local market on radio, television or in newspapers. Speedishuttle has implemented no plan to market to the non tech-savvy local marketplace. The only telephone number that appears on Speedishuttle’s vehicles is for job inquiries. Speedishuttle does not have a Yellow Pages listing. The only thing approaching soliciting non tech-savvy or tourist markets is a limited to one month ValPak mailing that promoted booking on-line but did include Speedishuttle’s reservations telephone number that is attached. That promotion was a spectacular failure but over 70% of the bookings were made on line.

Speedishuttle has begun preliminary searches to attempt to comply with this request. However the likely custodian email boxes contain in excess of 350,000 emails. The searches ran result in almost entirely irrelevant or nonresponsive hits. Such a production is disproportionate to the needs of this case and overly burdensome for Speedishuttle to review. Speedishuttle requests reasonable search terms to be provided by Shuttle Express for review and, presuming they are reasonable, Speedishuttle will run those searches limited to a handful of custodians and then report back on the volume of results.

Data Request No. 12:

Provide all documents that reflect, show, or relate to an attempt by Speedishuttle to compete with Shuttle Express or to carry passengers that could instead take Shuttle Express, including advertising, communications with the Port of Seattle, or communications with trade associations or travel groups.

Objection. See responses to Requests No. 1-3, above. Speedishuttle objects to this request as being imposed for an improper purpose, overbroad, and irrelevant to the discovery sense because Speedishuttle is not restricted to serving individuals who are incapable of or otherwise unable to utilize Shuttle Express, and in seeking proprietary marketing strategies and various other intellectual property of Speedishuttle. Speedishuttle also objects on the grounds that it elicits hearsay and speculation by Speedishuttle in divining intent as to “what passengers could instead take Shuttle Express.” Speedishuttle has also never asserted that it would “not compete with

Shuttle Express” and, indeed, that’s precisely what the 2013 Rulemaking envisioned for the regulated auto transportation marketplace. Without waiving these objections, as noted in responses to Data Request Nos. 10 and 11, Shuttle Express, on information and belief, does not currently offer door-to-door shared ride service (only scheduled service) to major hotels and piers in King County.

Modification of Data Request 12 based on 9-27-16 ruling.

SpeediShuttle must provide all documents that concern or address SpeediShuttle providing service other than the service described in the business plan approved by the commission.

See response to DR 2.

Supplemental Response to DR 2 and 12 following 12-2-16 hearing and 12-9-16 Discovery report as ordered:

Without waiving the foregoing objections, Speedishuttle produces communications with third parties consistent with the ALJ’s ruling on December 2, 2016. The Bates range of these documents are SS 0576 – SS 0800.

The results produced here are demonstrative of what was found through searching, which were largely similar emails with changes to address the individual potential customer. Also produced are communications regarding the announcement of a technology feature rolled out to Speedishuttle customers. Speedishuttle did not conduct training or institute formal guidelines on how to reach out to potential new customers, and no guideline or training emails were located. Discovery continues and Speedishuttle reserves the right to supplement.