

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application No. D-78904 of)	
)	DOCKET NO. TC-000676
HECKMAN MOTORS, INC., d/b/a)	
OLYMPIC BUS LINES)	
)	
for extension of authority under)	
Certificate of Public Convenience and)	
Necessity No. C-992)	
.....))	
)	
In re Application No. D-78916 of)	DOCKET NO. TC-000835
)	
JEFFREY LYNN PORTER d/b/a)	
PENNCO TRANSPORTATION)	
)	PREHEARING CONFERENCE
for extension of authority under)	ORDER
Certificate of Public Convenience and)	
Necessity No. C-1054)	
.....))	

1 **PREHEARING CONFERENCE:** The Commission convened a joint prehearing conference in these matters in Olympia, Washington, on September 8, 2000, before Administrative Law Judge Dennis J. Moss.

2 **APPEARANCES: (In Docket No. TC-000676)** -- James C. Heckman, Port Angeles, Washington appeared *pro se* to represent Heckman Motors, Inc., d/b/a Olympic Bus Lines; Brooks Harlow and David Rice, Miller, Nash Wiener Hager and Carlson, Seattle, Washington, represent Shuttle Express, Inc., d/b/a Super Shuttle and Evergreen Trails, Inc., d/b/a Gray Line of Seattle; Robert D. Cedarbaum, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Staff).

3 **APPEARANCES: (In Docket No. TC-000835)** -- Jeffrey Lynn Porter, Port Angeles, Washington, appeared *pro se* to represent Jeffrey Lynn Porter, d/b/a Pennco Transportation; Brooks Harlow and David Rice, attorneys, Seattle, Washington, represent Shuttle Express, Inc., d/b/a Super Shuttle; Stephen Hutchins and Robert P. Campbell, Port Angeles, Washington, appearing *pro se*, represent Clallam Paratransit Services; Richard E. Asche, Port Orchard, Washington, appearing *pro se* via written protest, represents Bremerton-Kitsap Airporter, Inc., but Bremerton-Kitsap Airporter, Inc., was not represented at the prehearing conference; Robert D. Cedarbaum,

Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Staff).

CONSOLIDATION:

- 4 These two applications are for authority that overlaps, in part, and they were filed within 30 days of each other. Following discussion among the parties it was determined that the proceedings should be consolidated as permitted under WAC 480-09-610 and WAC 480-30-032.

PROTESTS/STIPULATIONS:

- 5 Shuttle Express, Inc., and Evergreen Trails, Inc., protestants in Docket No. TC-000676, entered into with applicant Heckman Motors, Inc., a Stipulation Requesting Conditions. The stipulation clarifies that the authority applied for includes closed-door service through areas served by Shuttle Express, Inc., and Evergreen Trails, Inc. The stipulation was accepted as a resolution of the protests filed by Shuttle Express, Inc., and Evergreen Trails, Inc. Accordingly, these protestants stated that their participation in Docket No. TC-000676 will be limited to monitoring the proceedings with the reservation that any authority granted should be conditioned in accordance with the terms of the stipulation. Staff stated that it does not object to the stipulation.
- 6 Shuttle Express, Inc., protestant in Docket No. TC-000835, entered into with applicant Jeffrey Lynn Porter, a Stipulation Requesting Conditions. The stipulation clarifies that the authority applied for includes closed-door service through areas served by Shuttle Express, Inc. The stipulation was accepted as a resolution of the protest filed by Shuttle Express, Inc. Accordingly, this protestant stated that its participation in Docket No. TC-000835 will be limited to monitoring the proceedings with the reservation that any authority granted should be conditioned in accordance with the terms of the stipulation. Staff stated that it does not object to the stipulation.
- 7 It appears that the two stipulations merely clarify the scope of the authorities requested under the respective applications. Since the Commission will not grant any authority greater than that applied for, there is no impediment to accepting the stipulations; any grant of authority at the conclusion of these proceedings will be conditioned accordingly.
- 8 Clallam Paratransit Services, protestant in Docket No. TC-000835, reported that after discussions with applicant Jeffrey Lynn Porter, became satisfied that its concerns also were based upon a misconception regarding the scope of the authority requested. This protestant asked that it be permitted to remain a party of record to monitor the proceedings to ensure continued protection of its asserted interests and that request was granted.

9 **Bremerton-Kitsap Airporter, Inc., protestant in Docket No. TC-000835 did not enter an appearance at the prehearing conference. Although there was some speculation at the prehearing conference that this protestant's concerns will be satisfied by the clarification of the authority requested by Jeffrey Lynn Porter, **Bremerton-Kitsap Airporter, Inc., nevertheless will have ten days from the date of this Order to state as an objection to this Order the substance of any protest it intends to maintain. Absent that, Bremerton-Kitsap Airporter, Inc's participation will be limited to monitoring these proceedings in the same fashion as permitted the other protestants, as discussed above.****

SCHEDULE:

10 **A Hearing to receive evidence relative to the applications will be convened on October 10, 2000 at 9:30 a.m. at the Department of Transportation, 1707 South "C" Street, Port Angeles, Washington.**

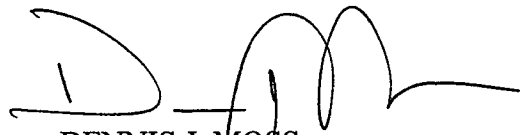
11 Additional procedural dates and requirements may be established by subsequent notice or order.

12 **ALTERNATIVE DISPUTE RESOLUTION; SETTLEMENT:** The parties' attention is directed to WAC 480-09-465, "Alternative dispute resolution," and WAC 480-09-466, "Settlement conferences." The Commission urges all parties to formal adjudications to include alternative methods to bring resolution to contested issues.

13 **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

DATED at Olympia, Washington, and effective this 15th day of September, 2000.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DENNIS J. MOSS,
Administrative Law Judge