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David L. Rice  
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September 8, 2004

**VIA FEDERAL EXPRESS**

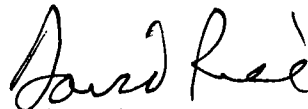
Ms. Carole J. Washburn  
Executive Secretary  
Washington Utilities and Transportation Commission  
Post Office Box 47250  
1300 S. Evergreen Park Dr. SW  
Olympia, Washington 98504-7250

Subject: Protest of Shuttle Express, Inc.,  
Docket No. TC-041353; Application No. D-079295 by  
Diamond-West Transportation Co., Inc.

Dear Ms. Washburn:

Attached for filing are an original and 12 copies of Shuttle Express, Inc.'s Protest and Request for Adjudicative Proceeding and Hearing in the above-referenced matter. Please return a conformed copy to us in the self-addressed, postage prepaid envelope provided.

Very truly yours,



David L. Rice

cc w/enc: Diamond-West Transportation Co., Inc.

Posted

04 SEP -9 AM 9:28

STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

**BEFORE THE**

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

DIAMOND-WEST TRANSPORTATION  
CO., INC.

for Certificate of Public Convenience and  
Necessity in Furnishing Passenger and Express  
Service.

Docket No. TC-041353

Application No. D-079295

PROTEST AND REQUEST FOR  
ADJUDICATIVE PROCEEDING AND  
HEARING OF SHUTTLE EXPRESS

Shuttle Express, Inc. d/b/a Shuttle Express ("Shuttle Express") protests the above-captioned application of Diamond-West Transportation Co., Inc. ("Applicant") under WAC 480-30-032. Shuttle Express requests that the WUTC commence an adjudicative proceeding and set this application for hearing for the reasons identified in this protest.

Shuttle Express is an auto transportation company operating under authority issued by the WUTC. See Attachment. Under this certificate, Shuttle Express has the authority to provide door-to-door service between Sea-Tac Airport, Boeing Field, Renton Airport, Payne Field, and points within a 25 mile radius of these airports, including points in King County, among other locations. Shuttle Express operates a fleet of approximately 100 vans. Shuttle Express uses the majority of these vans to provide express, door-to-door airporter service in authorized areas. Shuttle Express's address is 800 S.W. 16<sup>th</sup> Street, Renton, Washington, 98055.

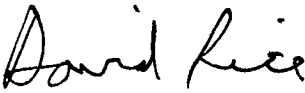
Shuttle Express believes that a grant of Applicant's application is not in the public interest and is not required by the public convenience and necessity. Applicant requests authority to provide door-to-door and scheduled service between Seattle to Ellensburg with

1 service to Bellevue, Redmond, Issaquah, North Bend, Snoqualmie Pass, Easton, Cle Elum,  
2 intermediate points, and points within one mile of I-90, via I-90, SR-10, SR-906, I-405, and SR-  
3 520, which could be interpreted as including Sea-Tac Airport. Shuttle Express already provides  
4 satisfactory service along the portions of this route within its certificated territory. There is no  
5 public need for the Applicant's proposed, duplicative service, as Shuttle Express's existing  
6 equipment is not fully utilized and is available to provide additional service should the need and  
7 opportunity arise. Shuttle Express also believes that the Applicant is not fit, willing, and able to  
8 provide the proposed service in accordance with the applicable laws, rules, and regulations.

9 If the WUTC sets this matter for hearing, Shuttle Express will appear, submit  
10 evidence, and present witnesses at the hearing in support of this protest. Shuttle Express will  
11 represent itself in this proceeding and will be represented by its attorneys, Brooks E. Harlow and  
12 David L. Rice.

13 DATED this 8<sup>th</sup> day of September, 2004.

14  
15 MILLER NASH LLP

16  
17 By:   
18 Brooks E. Harlow  
David L. Rice

19 Attorneys for Shuttle Express, Inc.  
20 d/b/a Shuttle Express

**ATTACHMENT**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

# For the Operation of Motor Propelled Vehicles

pursuant to the provisions of Chapter 81 RCW

THIS IS TO CERTIFY that authority is granted to operate as a MOTOR CARRIER in the transportation of the commodities and in the territory described herein to

EVERGREEN TRAILS, INC.  
D/B/A EVERGREEN TRAILWAYS AND  
GRAYLINE OF SEATTLE  
4500 W. MARGINAL WAY SW  
SEATTLE, WA 98106

CERT NO.  
C-819

Seattle and Snohomish via Maltby and Cathcart and via Clearview.

Snohomish and Monroe and between Monroe and Halford via U.S. Highway No. 2.

Seattle and a point three miles east of Monroe, via Duvall and as an alternate route, between Monroe and Grace intersection via State Highways 522 and 9.

Monroe, Snohomish and Everett, Washington via U.S. Highway No. 2.

Jedro Woolley and Northern State Hospital.

Oak Harbor and Whidbey Island Junction at the intersection of Secondary State Highway No. 1-D with State Highway No. 1.

Seattle and East Entrance to Paine Field via State Road No. 1 to Fleming Way, thence over Fleming Way to Edmonds-Beverly Park Road, thence via Edmonds-Beverly Park Road to Airport Way South to East Entrance of Paine Field; also from Airport Way South to Army Housing Project and Southwest Corner of Paine Field.

Mukilteo and a point approximately .50 mile west of the intersection of Mukilteo-Beverly Park Road with Emander Road via Mukilteo-Beverly Park Road, Larson Road from Nelson's Corner to the intersection with Fleming Way, and Fleming Way.

SERVICE DATE

APR 15 2003

# COPY

WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

By \_\_\_\_\_



# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

Everett and Arlington via I-5 to Marysville thence to Arlington County Airport via States Avenue and Shoultes Road; thence via Stillaguamish Highway to Olympic Avenue to its intersection with 224th Street N.E., Arlington.

Everett and Lake Stevens and Hartford, Washington.

Arlington and Darrington and Sound Timber Company's Camp, Washington.

Sedro Wooley and Mount Vernon, Washington, via the following routes: (A) Via Clear Lake; (B) Via New Lateral Highway No. 16 to Burlington, thence Pacific Highway to Mount Vernon; (C) Via Cook Road to Burlington, thence Pacific Highway to Mount Vernon.

## LIMITATIONS:

- (1) No local service shall be rendered under this certificate between Seattle and Bothell or intermediate points.
- (2) No local service shall be rendered under this certificate between Seattle and the junction of the new Pacific Highway with Fleming Way (near Lake Serene) and intermediate points.
- (3) No through service shall be rendered or tickets sold or honored between Everett and Seattle via Mukilteo or otherwise.
- (4) No local service shall be rendered under this certificate between Mukilteo and the City of Everett.

The following authority and Limitations was obtained from C-849, Western Tours, Inc., by Order M.V.C. No. 1498.

## PASSENGER SERVICE

BETWEEN: Seattle and the Seattle-Tacoma Airport.

## LIMITATIONS:

1. Service hereunder is expressly limited to the transportation of airline passengers and flight crews between Seattle-Tacoma Airport on the one hand, and hotels and air and water and ground transportation offices and facilities in Seattle on the other hand, at rates substantially higher than the fares of regular common carriers.
2. No express service may be rendered hereunder except in the carrying of baggage and excess baggage of passengers and flight crews.



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

3. No service may be rendered hereunder from, to or between intermediate points.

The following authority and Limitations was obtained from C-771, The Gray Line of Seattle, Inc., by Order M.V.C. No. 1499.

PASSENGER SERVICE

BETWEEN:

Seattle and Rainier National Park via Southwest Entrance; Tacoma and Rainier National Park via Southwest Entrance; Ashford and Rainier National Park via Southwest Entrance; Seattle and Rainier National Park via Northeast Entrance; Tacoma and Rainier National Park via Northeast Entrance; Yakima and Rainier National Park via Northeast Entrance.

BETWEEN:

Seattle and Summit of Chinook Pass both via Tukwila, Renton Junction, West Valley Highway, Auburn, Greenwater and Silver Springs and via Lake Washington Floating Bridge, Kenneydale, Renton, Maple Valley, Black Diamond, Enumclaw, and Greenwater.

BETWEEN:

Seattle, Newhalem and Washington Pass via U.S. Highway I-5 to Burlington; thence via State Highway 20 to Newhalem and Washington Pass as a closed door operation between Seattle and points intermediate to Concrete. One-way or round-trip passengers may be handled between Seattle on the one hand and points Concrete to Washington Pass on the other hand. Also locally between Concrete and Washington Pass and intermediate points.

LIMITATIONS:

Service authorized between Seattle and the Summit of Chinook Pass is limited to sight-seeing passengers only in round-trip transportation from Seattle and with no stopovers allowed.

Tour service commencing at Seattle, WA, thence north via I-5 to junction of SR-20, thence east via SR-20 to junction of SR-153, thence south via SR-153 to junction of U.S. Route 97, thence via U.S. Route 97 to junction of U.S. Route 2 & 97, thence north via U.S. Route 2 & 97 to Leavenworth thence south via U.S. Route 2 & 97 to junction of U.S. Route 97 thence south via U.S. Route 97 over Blewett Pass to junction of I-90, thence east via I-90 to junction of I-82 thence south via I-82 to Yakima thence west via SR-410 over Chinook Pass to Mount Rainier National Park thence south via SR-123 to the access road leading to Paradise, thence via the Paradise access road to Paradise and continuing to the junction of SR-706 thence west via



# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

SR-706 to junction of SR-161, thence north via SR-161 thence north on I-5 returning to Seattle and, as an alternative route, the same service commencing at Seattle following the same route in a reverse order.

Round trip passenger and sightseeing service beginning in Seattle thence south on I-5 to Olympia thence north on US-101 to junction of SR-20 thence east on SR-20 to Port Townsend, thence west on SR-20 to junction of US-101, thence west on US-101 to Hurricane Ridge Road, thence south on Hurricane Ridge Road to end of road and back again to junction of US-101, thence south on US-101 to junction of Rain Forest Road, thence east on Rain Forest Road to end and back again to US-101, thence south on US-101 to junction of SR-109, thence south on SR-109 to junction of US-12, thence east on US-12 to junction of SR-8, thence east on SR-8 to junction of US-101, thence south on US-101 to junction of I-5, thence north on I-5 to Seattle.

## PASSENGER AND EXPRESS SERVICE

Sightseeing service round trip from Seattle south on I-5 to Castle Rock and the junction of I-5 and SR-504, thence east on SR-504 to the end of SR-504 and, as an alternate route dependent upon highway closures, south from Seattle on I-5 to junction of SR-505, thence east on SR-505 to SR-504, thence east on SR-504 to the end of SR-504.

Return via one of four alternate routes depending upon road closures and the origin of passengers:

1. From the end of SR-504 west to Castle Rock and the junction of I-5, thence north on I-5 to the junction of SR-505; thence east on SR-505 to Jackson Hwy (or, depending on availability of SR-505, from end of SR-504 east to junction of SR-505; thence west on SR-505 to Jackson Hwy.); thence north on Jackson Hwy. to Lewis & Clark State Park and continuing north to Chehalis; thence south on Jackson Hwy. to junction of Jackson Hwy. and US-12, thence east on US-12 to SR-7; thence north on SR-7 to junction of SR-161; thence north on SR-161 to junction of I-5 (or north on SR-161 to junction of SR-410 and thence west on SR-410 to I-5 at Tacoma); thence north on I-5 to Seattle.
2. Alternate route as described in No. 1 above to the junction of SR-7 and SR-161; thence north on SR-7 to junction of SR-702; thence west on SR-702 to junction of SR-510; thence west on SR-510 to junction of I-5; thence north on I-5 to Seattle.
3. From the end of SR-504 west to junction SR-505; thence west on SR-505 to junction of I-5; thence north on I-5 to Seattle.
4. From the end of SR-504 west to junction of SR-505; thence west on SR-505 to Jackson Hwy.; thence north on Jackson Hwy. to Lewis & Clark State Park and continuing on to Chehalis and junction of I-5; thence north on I-5 to Seattle.

Round trip passenger and sightseeing service beginning and ending in Seattle.





WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

OPTION 1

Day 1 from Seattle via Winslow Ferry, thence via SR-305 and SR-3 to Port Gamble, thence via Lofall Ferry, and SR-104 to the junction of US-101, thence north on US-101 to the junction of SR-20, thence north on SR-20 to Port Townsend, return south on SR-20 to the junction of US-101, thence west on US-101 to the Hurricane Ridge Road, thence south on Hurricane Ridge Road to end of road and return to junction of US-101, thence west on US-101 to Port Angeles.

Day 2 from Port Angeles west on US-101 to the junction of the Rain Forest Road, thence east on the Rain Forest Road to the end of the road and return to the junction of US-101, thence south on US-101 to the junction of US-12 thence via US-12 to the junction of SR-8, thence east on SR-8 to the junction of US-101, then east on US-101 to the junction of I-5, thence north on I-5 to Seattle.

OPTION 2

Day 1 from Seattle via I-5 to the junction of SR-16, thence west via SR-16 to the junction of SR-3, thence south on SR-3 to the junction of SR-106, thence via SR-106 to the junction of US-101, thence north on US-101 to the junction of SR-20, thence north on SR-20 to Port Townsend, thence south on SR-20 to the junction of US-101, thence west on US-101 to Hurricane Ridge Road, thence south on Hurricane Ridge Road to end of road and return to junction of US-101, thence west on US-101 to Port Angeles.

Day 2 from Port Angeles west on US-101 to the junction of the Rain Forest Road, thence east on the Rain Forest Road to the end of the road and return to the junction of US-101, thence south on US-101 to the junction of US-12, thence via US-12 to the junction of SR-8, thence east on SR-8 to the junction of US-101, thence east on US-101 to the junction of I-5, thence north on I-5 to Seattle.

OPTION 3

Day 1 from Seattle via I-5 through Olympia to the junction of US-101, thence west on US-101 to the junction of SR-8, thence north on US-101 to the junction of SR-20, thence north on SR-20 to Port Townsend, thence south on SR-20 to the junction of US-101, thence west on US-101 to Hurricane Ridge Road, thence south on Hurricane Ridge Road to the end of road and return to junction of US-101, thence west on US-101 to Port Angeles.

Day 2 from Port Angeles west on US-101 to the junction of the Rain Forest Road, thence east on the Rain Forest Road to the end of the road and return to the junction of US-101, thence south on US-101 to the junction of US-12, thence via US-12 to the junction of SR-8, thence east on SR-8 to the junction of US-101, thence east on US-101 to the junction of I-5, thence north on I-5 to Seattle.

OPTION 4



**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

Continuation

Day 1 from Seattle to Port Angeles using the routes of Day 1 in Options 1, 2 or 3.

Day 2 from Port Angeles west on US-101 to the junction of the Rain Forest Road, thence east on the Rain Forest Road to the end of the road and return to the junction of US-101, thence south on US-101 to the junction of the unnumbered road south of Neilton, thence west on this unnumbered road to Moclips at the junction of SR-109, thence south on SR-109 to the junction of US-12, thence east on US-12 to the junction of SR-8, thence east on SR-8 to the junction of US-101, thence east on US-101 to the junction of I-5, thence north on I-5 to Seattle.

THE FOLLOWING INTRASTATE AUTHORITY WAS TRANSFERRED FROM BREMERTON-TACOMA STAGES, INC. C-345 UNDER 49 U.S.C. 11341(a) OF THE INTERSTATE COMMERCE COMMISSION.

PASSENGER AND EXPRESS SERVICE

BETWEEN:

Tacoma and Bremerton, Washington over SR 16, SR 3 and SR 304 via Narrows Bridge, Gig Harbor and Port Orchard or direct SR 16, SR 3 and SR 304.

BETWEEN:

Bremerton and Shelton, Washington via the following routes: Bremerton to Junction with SR 3 over SR 304; and via the Old Belfair Highway to Belfair, SR 106, via Union to junction with US 101 and US 101 to Shelton.

Bremerton and Port Angeles, Washington via SR 304 and SR 3 to Hood Canal Bridge and/or (over Clear Creek Road) (Pioneer Way) and Sr 3 between Silverdale and Hood Canal Bridge; Hood Canal Bridge to Port Angeles via SR 104 and US 101 via Center, Discovery Bay, Blyn and Sequim.

Bremerton and Seattle, Washington Via the following Routes:

1. Direct Bremerton-Seattle Ferry; 2. Kitsap Lake, Chico, Silverdale over Kitsap Way and SR 3, or direct to Silverdale on SR 3, and from Silverdale to Poulsbo over SR 3 and SR 305 or via Bangor (Trident Site) and Keyport on Clear Creek Road; Luoto Road, SR 3 and SR 308 to Keyport; 3. Over SR 308 and SR 3 and SR 305 to Poulsbo, Poulsbo to Winslow over SR 305, and Washington State Ferries between Winslow and Seattle.

Bremerton and Keyport, Washington via Brownsville on SR 303 and SR 308, or via Central Valley over Riddell Road, Central Valley Road.



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

BETWEEN:

Silverdale and Brownsville, Washington over Bucklin Hill Road and SR 303.

BETWEEN:

Silverdale and Bangor, Washington over Anderson Hill Road, Old Frontier Road and Olympic View Road; or over Clear Creek Road and Half Mile Road.

BETWEEN:

Bremerton and Hood Canal Bridge, Washington over SR 304 and SR 3 to Hood Canal Bridge or over Clear Creek Road, Pioneer Way, and Sr 3 between Silverdale and Hood Canal Bridge.

BETWEEN:

Hood Canal Bridge and Port Angeles, Washington via SR 104 and US 101 via Center, Discovery Bay, Blyn and Sequim.

BETWEEN:

Hood Canal Bridge and Kingston, Washington Via Port Gamble over SR 104.

BETWEEN:

Lynnwood and Poulsbo, Washington from the intersection of 44th Avenue West and SR 524 over SR 524 to Edmonds and Edmonds to Kingston via Washington State Ferries; West from Kingston to Bond Road via SR 104; South on Bond Road to Poulsbo.

BETWEEN:

Lake Ballinger and Poulsbo, Washington, from the Corner of 19th Avenue N.E. and N.E. 205th (56th Avenue West and 244th Street S.W.) via the following route: North on 56th West to 220th Street S.W.; East on 220th Street to 52nd Avenue West; North on 52nd Avenue West to 212th Street S.W.; East on 212th Street S.W. to 44th Avenue West; North on 44th Avenue West to SR 524; West on SR 524 to Edmonds; Edmonds to Kingston via Washington State Ferries; West from Kingston to Bond Road via SR 104; South on Bond Road to Poulsbo.

ALTERNATE ROUTE:



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

From the Junction Interstate Highway 5 with State Highway 104 over State Highway 104 to Edmonds; thence via the routes specified above to Poulsbo.

Between: Seattle and Olympia via I-5

Between: Tacoma and Seattle via I-5

LIMITATIONS:

No local service shall be rendered under this certificate between Hood Canal and Port Angeles; No local service shall be rendered within King County; No local service shall be rendered within Snohomish County.

TC-030122

04-08-03



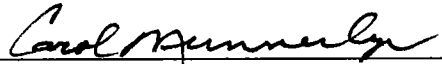
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CERTIFICATE OF SERVICE  
WUTC DOCKET NO. TC-041353

I, Carol Munnerlyn, hereby certify under penalty of perjury that I caused to be served by certified U.S. mail, return receipt requested, a copy of the Protest and Request for Adjudicative Proceeding and Oral Hearing on the Applicant at the following address:

Diamond-West Transportation Co., Inc.  
Post Office Box 1313  
Enumclaw, WA 98022

Dated this 8<sup>th</sup> day of September, 2004.

  
\_\_\_\_\_  
Carol Munnerlyn  
Secretary