


MEMORANDUM

September 20, 2005

TO: Gene Eckhardt, Regulatory Services, Assistant Director
Transportation and Water Section

FROM: Bonnie Allen, Regulatory Analyst 

SUBJECT: Temporary Auto Transportation Company (Bus) Certificate
Application No. D-79399 - Docket No. TS-051344

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Genie Service Company, Inc. C-1033
d/b/a Genie Tours
4083 West Van Giesen
West Richland, WA 99353

Discussion

On September 6, 2005, Genie Service Company, Inc., (Genie) filed Application No. D-79399 for temporary authority to operate as an auto transportation company providing service between Walla Walla and Pasco.

Genie currently holds auto transportation company certificate No. C-1033 and provides service to Pasco as an intermediate point on its regular route between Walla Walla and Seattle. In its application for temporary certificate Genie is asking for authority to provide a direct service between Walla Walla and Pasco.

RCW 81.68.046, Temporary Certificates, effective July 24, 2005, states that the Commission may, with or without hearing, issue temporary certificates to engage in the business of operating an auto transportation company, but only after it finds that the issuance of the temporary certificate is consistent with the public interest.

RCW 81.68.046 further states that the commission shall not issue a temporary certificate to operate in a territory: (1) for which a certificate has been issued, unless the existing certificate holder, upon twenty days' notice, does not object to the issuance of the certificate or is not providing service; or (2) for which an application is pending unless the filing for a temporary certificate is made by the applicant or the applicant does not object to the issuance of the certificate.

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A review of the existing auto transportation company certificates revealed that only Greyhound Bus Lines, Inc., Certificate No. C-910, holds authority to provide service between Walla Walla and Pasco. Effective August 18, 2004, Greyhound discontinued service to 260 stops in small towns between Chicago and Seattle. Greyhound discontinued service to 21 locations in Washington State, including Walla Walla.

Genie indicates in its application that it has received a grant from the Washington State Department of Transportation (WSDOT) to replace service between Walla Walla and Pasco that was discontinued by Greyhound.

A letter from Daniel Wayne, Intercity & Rural Specialist, of the Washington State Department of Transportation supports the temporary authority application. Mr. Wayne states that:

Following Greyhound Bus Lines' recent service restructuring, the city of Walla Walla became the largest community in Washington without regular route intercity bus transportation. By granting this certificate, entry to Washington's greater public transportation network will be restored and residents will be able to access essential goods, human services, and other needs not available locally.

Genie has submitted with its application a tariff and time schedule that describes the proposed service and the rates and charges for that service. Genie's existing rates for service it provides between Walla Walla and Pasco as an "intermediate stop" on its Walla Walla to Seattle route will apply to the direct service proposed under the temporary application. Tariff staff is working with the applicant to make corrections on the tariff and time schedule filed with the application.

Conclusion

Under the provisions of RCW 81.68.046 the Commission may, with or without hearing, issue a temporary certificate to operate as an auto transportation company for a period not to exceed one hundred eighty days, but only after finding that issuance of the temporary certificate is in the public interest and that the existing certificate holder with authority is not providing the service.

The applicant has shown that there is a public need for the proposed service and

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granting this application for temporary certificate to provide that service is in the public interest.

There is one existing certificate holder with authority serving the proposed route, but that certificate holder is not providing service.

There are no other applications filed for certificate authority to provide service between Walla Walla and Pasco.

Staff has no information that would suggest the applicant is not fit, willing, and able to provide the proposed service. The company has valid insurance on file and, on receipt of the corrected tariff and time schedule, the applicant will have satisfied the additional requirements necessary to receive a certificate authorizing temporary operations.

Recommendation

Staff recommends the applicant be granted a temporary auto transportation company certificate to provide:

Passenger transportation service between Walla Walla and Pasco for a period of 180 days or until the Commission grants or denies a parallel application for permanent certificate authority if that parallel application is filed within 30 days of the grant of this temporary certificate.

RCW 81.68.046**Temporary certificates.**

The commission may, with or without a hearing, issue temporary certificates to engage in the business of operating an auto transportation company, but only after it finds that the issuance of the temporary certificate is consistent with the public interest. The temporary certificate may be issued for a period up to one hundred eighty days. The commission may prescribe rules and impose terms and conditions as in its judgment are reasonable and necessary in carrying out this chapter. The commission may by rule, prescribe a fee for an application for the temporary certificate. The commission shall not issue a temporary certificate to operate in a territory: (1) For which a certificate has been issued, unless the existing certificate holder, upon twenty days' notice, does not object to the issuance of the certificate or is not providing service; or (2) for which an application is pending unless the filing for a temporary certificate is made by the applicant or the applicant does not object to the issuance of the certificate.

[2005 c 121 § 8.]