

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re the Application of

SPEEDISHUTTLE WASHINGTON,
LLC d/b/a SPEEDISHUTTLE
SEATTLE

For a Certificate of Public Convenience
and Necessity to Operate Motor Vehicles
in Furnishing Passenger and Express
Service as an Auto Transportation
Company

DOCKET TC-143691
(*Consolidated*)

ORDER 12

SHUTTLE EXPRESS, INC.,

Complainant,

v.

SPEEDISHUTTLE WASHINGTON,
LLC d/b/a SPEEDISHUTTLE
SEATTLE,

Respondent.

DOCKET TC-160516
(*Consolidated*)

ORDER 05

SPEEDISHUTTLE WASHINGTON,
LLC d/b/a SPEEDISHUTTLE
SEATTLE,

Complainant,

v.

SHUTTLE EXPRESS, INC.,

Respondent.

DOCKET TC-161257
(*Consolidated*)

ORDER 02

ORDER GRANTING MOTION TO
CONSOLIDATE; ORDER OF
CONSOLIDATION

BACKGROUND

- 1 On March 30, 2015, the Washington Utilities and Transportation Commission (Commission) entered a final order granting the application of Speedishuttle of Washington, LLC d/b/a Speedishuttle Seattle (Speedishuttle) for a certificate of public convenience and necessity to operate as an auto transportation company in Docket TC-143691.
- 2 On May 16, 2016, Shuttle Express, Inc. (Shuttle Express) filed a Petition for Rehearing of Matters in Docket TC-143691 and a formal complaint against Speedishuttle in Docket TC-160516. On August 4, 2016, the Commission entered Order 06, Initial Order Granting Petition for Rehearing, and Order 07/02, Prehearing Order and Order of Consolidation.
- 3 On December 1, 2016, Speedishuttle filed with the Commission a formal complaint against Shuttle Express, alleging that Shuttle Express has used independent contractors and paid commissions to unauthorized agents in violation of Commission orders and Commission rules.
- 4 On December 16, 2016, Speedishuttle filed a Motion to Consolidate (Motion) its complaint with the proceedings in Dockets TC-143691 and TC-160516. In its Motion, Speedishuttle posits that the goal of consolidation is to increase efficiency through avoiding duplication of process. Here, Speedishuttle argues, the benefits of consolidation are considerable because the parties are identical, there is significant overlap between issues of fact and law, discovery will address similar sets of facts, and a number of the witnesses are the same. Moreover, Speedishuttle notes, the proceedings in consolidated dockets TC-143691 and TC-160516 remain in the discovery phase, so efficiency can still be enhanced through consolidation. If the proceedings are kept separate, Speedishuttle argues, the same witnesses will be called to testify about the same subjects on multiple occasions, which will increase expenses for the Commission, the witnesses, and the parties.
- 5 On December 29, 2016, Commission staff (Staff) filed a response supporting Speedishuttle's Motion. Staff argues that Speedishuttle has adequately demonstrated that the dockets involve related issues of law or fact, and emphasizes the importance of administrative efficiency. Staff asserts that it makes little practical sense to have parties and witnesses return for a separate hearing on a different day, and that delay, which is likely unavoidable, is preferable to duplication.

6 On December 29, 2016, Shuttle Express filed a response opposing Speedishuttle’s Motion. Shuttle Express argues that consolidation could obfuscate the narrow issues defined in these dockets, and that delay would harm both Shuttle Express and the public interest. Shuttle Express also questions whether Speedishuttle has standing to bring its complaint because the complaint does not allege harm to Speedishuttle directly. Finally, Shuttle Express argues that resolution of the existing consolidated dockets may render Speedishuttle’s complaint moot or of no further interest to Speedishuttle. Shuttle Express requests that, in the event the Motion is granted, the Commission condition its approval on the procedural schedule remaining unchanged.¹

DISCUSSION AND DECISION

7 We grant Speedishuttle’s Motion to Consolidate. WAC 480-07-320 provides that the Commission, “in its discretion, may consolidate two or more proceedings in which the facts or principles of law are related.”

8 Shuttle Express first argues that consolidation could complicate or delay resolution of the narrow issues in the existing consolidated dockets. We disagree. Speedishuttle’s complaint identifies two discreet issues, neither of which is complex. In addition, there is substantial overlap between the facts alleged by each party in its respective complaint – namely, that the opposing party is exceeding the scope of its auto transportation authority – and, consequently, the applicable laws and Commission rules. The complaints and petition also involve the same witnesses, and many of the parties’ discovery requests are identical or similar to requests made by the other party.

9 While consolidating these dockets will necessarily require modifications to the procedural schedule, we are not persuaded that Shuttle Express will be harmed by the resulting delay. We agree with Speedishuttle and Staff that the efficiency of consolidation outweighs any perceived prejudice to Shuttle Express. Adjusting the schedule to allow for additional testimony will only require the hearing be continued for 60 to 90 days, at most.

10 Shuttle Express next argues that Speedishuttle’s complaint should be stayed pending resolution of its complaint because Speedishuttle alleges no harm. We find, however, that any delay in resolving either company’s claim of unlawful activity would be contrary to

¹ Both parties submitted follow-up letters responding to the other’s filings. Because these letters were not proper filings in the context of this Motion, the Commission will not consider them.

the public interest. Consolidating these dockets will ensure the most timely and efficient resolution of all of the issues before us.

11 Finally, we find Shuttle Express's claim that Speedishuttle has no standing to bring its complaint unpersuasive. The Commission is not bound by civil rules related to standing; rather, it is bound by its obligation to regulate in the public interest, which necessarily includes hearing complaints that allege unlawful acts by a regulated company.

12 Accordingly, we require the parties to confer and propose a revised procedural schedule by 5 p.m. on January 12, 2017. The parties should propose hearing dates for two consecutive days no later than the week of May 15, 2017. Staff is responsible for ensuring that the administrative law judge and the Commission's hearing room are available on the dates chosen by the parties, and for communicating the proposed revised schedule to the administrative law judge. In the event the parties cannot reach an agreement, the Commission will establish a schedule.

ORDER

THE COMMISSION ORDERS THAT:

- 13 (1) The Commission grants Speedishuttle's Motion to Consolidate.
- 14 (2) Docket TC-161257 is consolidated with Dockets TC-143691 and TC-160516.
- 15 (3) The parties must submit to the Commission a proposed revised procedural schedule consistent with the criteria set forth in paragraph 12 of this order no later than 5 p.m. on January 12, 2017.

DATED at Olympia, Washington, and effective January 5, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge

**NOTICE TO PARTIES: This is an Interlocutory Order of the Commission.
Administrative review may be available through a petition for review, filed within
10 days of the service of this Order pursuant to WAC 480-07-810.**