

Pennco Application—Public Convenience and Necessity Issues Matrix

authority sought	Does the authority sought overlap authority held by existing auto transportation company?	Does the authority sought overlap authority sought by another auto transportation company?	Is there a protest to the authority that is sought?	Did the applicant present evidence of need for the service?	Did the applicant present evidence that the existing company is not providing service to the satisfaction of the Comm'n?	Is there a basis for granting the authority sought?
<p>1) door-to-door, reservation-only, closed door service between Clallam and Jefferson Counties and Seattle and Tacoma hotels and Seattle cruise terminals</p>	<p>Yes, in part. Heckman has authority between Port Angeles and Sequim (in Clallam County) and Seattle. Heckman's authority does not name a specific point in Seattle and therefore could include hotels and cruise terminals in Seattle. However, Heckman's service is not restricted as a reservation only, door-to-door service and is operated as a scheduled, fixed point service.</p>	<p>Yes, in part. Heckman seeks authority for service between Discovery Bay (in Jefferson County) and Seattle. Again, Heckman's service is not restricted to reservation-only, door-to-door service and is operated as a scheduled, fixed point service.</p>	<p>No.</p>	<p>No.</p>	<p>No. However, there also is no evidence that Heckman is actually providing service to Seattle hotels and cruise terminals and Heckman's tariff does not state that it does provide that service. Heckman does not have authority to serve Tacoma hotels.</p>	<p>No. The Commission cannot grant authority for which there has been no showing of need.</p> <p>The parties could agree to allow for supplementing the record with sworn statements evidencing need for the service.</p>

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2) door-to-door, reservation-only service between Clallam and Jefferson Counties and Kingston and Bainbridge Ferry Terminals	No. However, Heckman has, in fact, provided service under tariff between Port Angeles, Sequim (in Clallam County), Port Townsend (in Jefferson County) and Kingston. Heckman's service is operated as a scheduled, fixed point service.	Yes. Heckman seeks to amend its tariff to provide service between Port Angeles, Sequim, Discovery Bay and Kingston. Heckman could drop off at Kingston passengers picked up at any of the prior stops in Clallam and Jefferson Counties. However, Heckman's service would not be restricted as a reservation only, door-to-door service.	Not clear. Heckman's protest seems to be aimed at the service that is not restricted to door-to-door, reservation only service.	Not specifically for a reservation only, door-to-door service.	No.	No. The Commission cannot grant authority for which there has been no showing of need. The parties could agree to allow each other to supplement with evidence of need.
3) door-to-door, reservation-only service between Kitsap County and Kingston and Bainbridge Ferry Terminals	No.	Yes, in part. Heckman seeks authority that would allow it to provide service between Silverdale (in Kitsap County) and Kingston.	Not clear. Heckman's protest seems to be aimed at the service that is not restricted to door-to-door, reservation only service.	No.	N/A	No. The Commission cannot grant authority when there has been no showing of need.

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<p>4) service between Clallam and Jefferson Counties and Kitsap County Ferry Terminals (not restricted to door-to-door, reservation only service)</p>	<p>No. However, Heckman has, in fact, provided service under tariff between Port Angeles, Sequim (in Clallam), Port Townsend (in Jefferson) and Kingston. And like the service proposed by Pennco, Heckman's service is operated as a scheduled, fixed point service.</p>	<p>Yes. Heckman seeks to amend its tariff to provide service between Port Angeles, Sequim, Discovery Bay and Kingston. Heckman could drop off at Kingston passengers picked up at any of the prior stops in Clallam and Jefferson Counties.</p>	<p>Yes. Heckman seems to object to this service on the theory that it would compete with Heckman's service between the named locations on the Olympic Peninsula and Seattle.</p> <p>It may be that customers would find the Aqua Express ferry a less expensive or more convenient alternative for the Kingston to Seattle leg of their trip. Service from Olympic Peninsula communities to the Kingston foot ferry is best viewed as a new service that is not "already served" by an existed company.</p>	<p>Yes, partly. Mr. Caldwell of the Jefferson County EDC testified to the need for a scheduled commuter service connecting Jefferson Transit bus routes to the new Aqua Express ferry service connecting Kingston and Seattle. Letters (Ex. 20) support a similar scheduled service between Port Angeles and the Kingston Ferry (Germeau, Jochems, Barrett, Port Angeles Chamber of Commerce, DeGirolamo). Another letter (Couch) supports service between Port Ludlow and the Kingston foot ferry.</p>	<p>Technically, Heckman did not hold authority for service to Kingston on its certificate, so it may be that Pennco need not show a failure by Heckman to serve to the satisfaction of the Commission. In any case, Pennco did not provide evidence on this issue. Nonetheless, Heckman's bench request response shows it delivered only 79 passengers to Kingston over the course of a year. This figure might increase now that the Aqua Express foot ferry is in operation between Kingston and Seattle.</p>	<p>Yes, in part. The evidence (most of which is only written and unsworn) supports service between Port Townsend, Port Angeles, and Port Ludlow, on the one hand, and the ferry terminal at Kingston on the other. Pennco provided no evidence regarding need for service from any other points in the named counties or to the Bainbridge ferry terminal (or any other present or future Kitsap County ferry terminal besides Kingston).</p>

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<p>5) remove restriction against picking up passengers at points served by Heckman one hour or less before Heckman's tariffed pick-up time</p>	Yes.	Yes.	Yes.	<p>Mr. Harris (of Pennco) did not offer any testimony as to why the restriction should be lifted. The restriction was imposed by the Commission in response to arguments by Heckman in M.V.C. Order No. 2241, <u>In re Jeffrey Lynn Porter d/b/a Pennco Transportation</u>, Hearing No. 78706 (Dec. 1998), that without the restriction, Pennco would be able to "pirate" customers waiting for scheduled pickup at SeaTac by a Heckman van.</p>	No.	No.