

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TS-060903
)	
AQUA EXPRESS, LLC,)	ORDER 01
)	
Petitioner,)	
)	
For Commission Permission)	ORDER GRANTING TEMPORARY
Allowing Temporary Discontinuance)	DISCONTINUANCE OF
of Commercial Ferry Service)	SERVICE
.....)	

BACKGROUND

- 1 On June 1, 2006, Aqua Express, LLC (Aqua Express or Company), holder of commercial ferry Certificate of Public Convenience and Necessity No. BC-129 filed with the Washington Utilities and Transportation Commission a petition requesting permission to temporarily discontinue of service pursuant to WAC 480-51-130.

- 2 Aqua Express is authorized to provide commercial passenger-only ferry service between Kingston and Seattle Washington.

- 3 In 2005 in Docket TS-051318 the Company asked for its first temporary discontinuance of service authorized under its certificate of public convenience and necessity for the period of October 1, 2005, to July 1, 2006. The Commission granted the request. This petition is the Company's second request for discontinuance.

- 4 In its petition, the Company states that it is working with Kitsap Transit to resume Kingston service and needs more time to develop a viable business model. Kitsap Transit supports the requested discontinuance by letter received June 22, 2007.

- 5 The Company requests that the Commission grant it permission to extend the temporary discontinuance of service for an additional six months from July 1, 2006, to December 31, 2006.

6 WAC 480-51-030 provides:

No certificate holder shall discontinue the service authorized under its certificate and set forth in its filed time schedule without first having given to the Commission and to the public, at least fifteen days' notice in writing, of its intention to discontinue such service, and without having secured the Commission's permission. The Commission shall not grant permission for discontinuance of service for periods exceeding twelve months.

FINDINGS AND CONCLUSIONS

- 7 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, regulations, practices, accounts, securities, and transfers of public service companies, including commercial ferry companies. *Chapter 81.84 RCW and WAC 480-51.*
- 8 (2) Aqua Express is a commercial ferry operator and a public service company subject to the jurisdiction of the Commission. Aqua Express holds Certificate of Public Convenience and Necessity No. BC-129.
- 9 (3) On June 1, 2006, Aqua Express filed with the Commission a petition requesting Commission permission to extend its authorized discontinuance of service.
- 10 (4) The Company requests that the Commission grant permission to extend its temporary discontinuance of service for a period of six months beginning July 1, 2006, with service to resume January 1, 2007.
- 11 (5) The Company's proposed discontinuance is reasonable and is in the public interest.
- 12 (6) Aqua Express's petition complies with WAC 480-51-130.
- 13 (7) This matter was brought before the Commission at its regularly scheduled open meeting on June 28, 2006.

- 14 (8) The Commission finds and concludes that Aqua Express's petition to temporarily discontinue ferry service should be granted.

ORDER

THE COMMISSION ORDERS:

- 15 (1) The Commission grants the petition of Aqua Express, LLC, to temporarily discontinue ferry service authorized under Certificate of Public Convenience and Necessity No. BC-129 for a six-month period, beginning July 1, 2006, with service to resume January 1, 2007.
- 16 (2) The discontinuation granted in this order is conditioned on Aqua Express, LLC, resuming service should an immediate public need arise for commercial ferry service. If, in such circumstance, Aqua Express, LLC, cannot, or will not, resume service, the Commission will deem that the Company has waived interest in its commercial ferry certificate. The Commission will then institute proceedings to cancel the Company's certificate and to grant authority to another carrier who is prepared to meet the needs of the traveling public.

DATED at Olympia, Washington and effective June 28, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary