



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

November 13, 2009

Mr. Skip Heeter, President
Paraclete Charter Service, Inc.
3609 W 3rd Street
Anacortes, WA 98221

RE: Commercial Ferry Application – Docket TS-091610

Dear Mr. Heeter:

As you are aware, Paraclete Charter Service, Inc. (Paraclete) submitted to the UTC an application for a commercial ferry certificate. However, under letter dated October 25, 2009, you request to withdraw that application because you believe a certificate is not required for the services Paraclete offers.

UTC staff agrees that Paraclete does not require a commercial ferry certificate for its charter and excursion services. However, Paraclete also provides ferry services for hire between fixed termini, by reservation only. Indeed, Paraclete publishes these fixed termini on its website by naming the points of origin and destination for this service. It is therefore UTC staff's view that Paraclete's reservation-only service satisfies the statutory elements of a commercial ferry.

As we have stated previously, the UTC currently regulates other commercial ferry companies that provide reservation-only services to specific destinations. Moreover, UTC staff recently determined that Island Express Charters, Inc. (Island Express), which provides similar reservation-only services to those of Paraclete, also requires commercial ferry authority for such services. Staff has sent a letter to Island Express stating that Island Express needs to file a commercial ferry certificate application. A copy of that letter is enclosed.



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UTC staff does not support your request to withdraw the Paraclete application and we will ask the commission to set your request for hearing. Or, the UTC could continue to process your application (the UTC has placed your application on the UTC's 30-day protest docket). It is possible the UTC could grant your application without the necessity of a hearing, though UTC staff cannot guarantee that will occur.

If you have additional questions regarding commission staff's analysis and determination, please contact Penny Ingram directly at (360)664-1242, or by e-mail at pigram@utc.wa.gov.

Sincerely,



Gene Eckhardt

Assistant Director of Solid Waste, Water, and Transportation

cc: David Pratt, Assistant Director, Transportation Safety

Enclosure