

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

In the Matter of the Petition of)	DOCKET TS-090424
)	
SAN JUAN EXPRESS, INC.,)	
)	NOTICE OF HEARING
Petitioner,)	(Set for June 9, 2009, at 9:30 a.m.)
)	
Relating to Discontinuance of)	NOTICE OF PUBLIC HEARING
Commercial Ferry Service Authorized)	(Set for June 9, 2009, at 1:30 p.m.)
by Certificate of Convenience and)	
Necessity No. BC-117)	
)	
.....)	

1 On March 23, 2009, San Juan Express, Inc., (San Juan or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting the Commission grant a temporary discontinuance of service between Friday Harbor and Seattle, Washington, beginning May 22, 2009, returning to service on May 21, 2010.

2 This matter came before the Commission at its open meeting on May 14, 2009. On May 15, 2009, the Commission entered Order 01—Order Granting Temporary Discontinuance of Service; Setting Matter For Hearing.

3 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate persons seeking to furnish commercial ferry service under RCW 81.84 and WAC 480-51. The statutes that apply to this matter include RCW 80.01, RCW 81.04, RCW 81.84, and RCW 34.05, including but not limited to RCW 80.01.040, RCW 34.05.434, RCW 34.05.437, RCW 34.05.440, RCW 34.05.443, RCW 81.84.010, and RCW 81.84.060. The rules that apply to this matter include WAC 480-51-130 and WAC 480-51-150.

4 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW

34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

NOTICE OF HEARING

- 5 The Commission convenes a hearing in this matter to address concerns about whether San Juan's request for a temporary discontinuance of service should be granted, or alternatively, whether the Commission should cancel the Company's certificate or the Company should relinquish its certificate to allow another carrier to provide service. **A hearing to address these concerns will be held on Tuesday, June 9, 2009, beginning at 9:30 a.m., in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

NOTICE OF PUBLIC COMMENT HEARING

- 6 The Commission will convene a hearing to provide an opportunity for members of the public to give oral or written comments to the Commission concerning San Juan's petition. **A hearing to consider San Juan's petition to temporarily discontinue commercial ferry service to Friday Harbor will be held on Tuesday, June 9, 2009, from 1:30 p.m. to 2:30 p.m., in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Commission will begin taking comments from members of the public at 1:30 p.m., ending no later than 2:30 p.m.** If you are unable to attend the public hearing in person, you may attend via the Commission's teleconference bridge line by dialing **(360) 664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin. The Commission will accept written comments from the public until **June 9, 2009**. Written comments may be submitted by e-mail to comments@utc.wa.gov, or may be mailed to the Commission, Executive Director and Secretary, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-7250
- 7 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

8 The names and mailing addresses of all known parties and their known representatives are as follows:

Petitioner: San Juan Express, Inc.
Darrell E. Bryan, President and CEO
2701 Alaskan Way, Pier 69
Seattle, WA 98121-1199

Representative: David Wiley
Williams Kastner & Gibbs, PLLC
Two Union Square
601 Union Street, Suite 4100
Seattle, WA 98101-2380
(206) 628-6600
dwiley@williamskastner.com

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Jonathan Thompson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225
jthomps@utc.wa.gov

9 The Commissioners of the Washington Utilities and Transportation Commission and Administrative Law Judge Dennis J. Moss, from the Commission's Administrative Law Division, will preside during this proceeding.

10 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective May 19, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary
Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____