

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the matter of the application of	§	Docket TS-121253
	§	
MCNAMARA, SEAN d/b/a	§	Bellingham Water Taxi's
BELLINGHAM WATER TAXI	§	Response to Island Mariner
	§	Cruises Petition for
For Extension of Authority Under	§	Administrative Review
Certificate BC-64619	§	
	§	
_____	§	
In the matter of the application of	§	Docket TS-121395
	§	
PACIFIC CRUISES NORTHWEST INC.	§	
d/b/a SAN JUAN CRUISES	§	
	§	
For a Certificate of Public Convenience and	§	
Necessity to Operate Vessels in Furnishing	§	
Passenger Ferry Service	§	

**BELLINGHAM WATER TAXI'S RESPONSE TO ISLAND MARINER
CRUISES PETITION FOR ADMINISTRATIVE REVIEW**

NOW COMES BELLINGHAM WATER TAXI, filing this, its Response to Island Mariners Cruises Petition for Administrative Review, and in support thereof, would respectfully show the following:

Bellingham Water Taxi agrees, and the Judge found, that Island Mariner Cruises (the current certificate holder) is fully fit and capable of providing the services needed at Friday Harbor and surrounding islands. Both Island Mariner Cruises and Bellingham Water Taxi have so testified. Other witnesses agreed, including passengers. In short, Pacific Cruises Northwest is not accurately describing the situation at hand. Accordingly, the Commission has received

strong, factually accurate protests to granting Pacific Cruises Northwest's request from not one, but two certificate holders and the affected community.

Pacific Cruises Northwest, in addition to having no support from the island community and no standing to complain as a non-certificate-holder, is trying to provide overlapping services where both the current certificate holder (Island Mariner Cruises) and Bellingham Water Taxi are ready, willing, and able to do so. Both certificate holders are going to be at a severe disadvantage if a non-certificate holder is awarded the most profitable stop, during the most profitable time of year. The most lucrative and popular stop, Friday Harbor, is essential to supplement income for ferry service to be provided for other the less popular destinations. Allowing Pacific Cruises Northwest to cherry pick the best location and leave the current certificate holders to serve the smaller communities is not providing a necessary service to the public. In addition, if the "express route" and the "commuter route" arrive at the same time, is that not overlapping service?

Further, the Commission is overlooking the fact that Pacific Cruises Northwest is misrepresenting the speed and capabilities of its boat and that it has provided inferior services to Friday Harbor, not intermittently, but over several years. This last point is backed up by the affidavits and/or sworn testimony of multiple witnesses who complained about daily problems they have encountered. In fact, Pacific Cruises Northwest provided only nine days of passenger ferry service over the past 2 years, then voluntarily canceled the same authority it now seeks. PCNW is a whale watching, bar, and dinner cruise company that operates eight different cruises which has prevented them from offering reasonable and adequate ferry service for over a decade.

Please see www.whales.com, they are simply not willing or able to serve the public need as a commercial ferry.

Conclusion

The Commission is providing a “do-over” to a whale watching company who (a) is attempting to provide overlapping service (b) is not interested in serving the residents, (c) cannot effectively compete with the existing certificate holder, and (d) is attempting to preserve an artificial monopoly that it does not deserve and is using to harm others. In reality, the Commission’s decision to re-issue a license to Pacific Cruises Northwest magnifies a serious public problem that could much more easily be remedied simply by following RCW 81.84.020(1) and denying the re-application.

Respectfully submitted,

Sean McNamara
Bellingham Water Taxi