

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

In the Matter of the Petition of)	DOCKET TS-061812
)	
AQUA EXPRESS, LLP,)	ORDER 01
)	
Petitioner,)	
)	
For Commission Permission)	ORDER GRANTING TEMPORARY
Allowing Temporary Discontinuance)	DISCONTINUANCE OF
of Commercial Ferry Service)	SERVICE
.....)	

BACKGROUND

- 1 On December 7, 2006, Aqua Express, LLP (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 (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 September 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 June 30, 2006. The Commission granted the request.

- 4 In June 2006 in Docket TS-060903 the Company asked for authority to further discontinue service for the period of July 1, 2006, to December 31, 2006. The Commission granted the request. The petition was the Company's second request for discontinuance.

- 5 In the instant petition as amended, its third request, the Company requests that the Commission grant it permission to extend the temporary discontinuance of service for an additional six months from December 31, 2006, to June 4, 2007. The Company states that it is finalizing an agreement with Kitsap Transit to provide for the resumption of Kingston passenger-only ferry service.

6 In a prior order in Docket TS-060903, the Commission already granted authority for the temporary discontinuance of service through December 31, 2006. Therefore the period of discontinuance before the Commission in this petition begins January 1, 2006.

7 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

- 8 (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.*
- 9 (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.
- 10 (3) On December 7, 2006, Aqua Express filed with the Commission a petition requesting Commission permission to extend its authorized discontinuance of service.
- 11 (4) The Company requests that the Commission grant permission to extend its temporary discontinuance of service for a period of five months beginning December 31, 2006, with service to resume June 4, 2007.
- 12 (5) The Company's proposed discontinuance is reasonable and is in the public interest.

- 13 (6) Aqua Express's petition complies with WAC 480-51-130.
- 14 (7) This matter was brought before the Commission at its regularly scheduled open meeting on December 27, 2006.
- 15 (8) The Commission finds and concludes that Aqua Express's petition to temporarily discontinue ferry service should be granted.

O R D E R

THE COMMISSION ORDERS:

- 16 (1) The Commission grants the petition of Aqua Express, LLP, to temporarily discontinue ferry service authorized under Certificate of Public Convenience and Necessity No.BC-129 for a five-month period, beginning January 1, 2007, with service to resume June 4, 2007.
- 17 (2) The discontinuation granted in this order is conditioned on Aqua Express, LLP, resuming service should an immediate public need arise for commercial ferry service. If, in such circumstance, Aqua Express, LLP, 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 December 27, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner