

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

In re Application No. B-079364 of )  
 ) DOCKET NO. TS-050443  
MIKE LAUVER AND JOHN SOLIN, )  
d/b/a FEET WET PARTNERS; )  
SARATOGA SHUTTLE )  
 )  
For a Certificate of Public ) MOTION TO AMEND  
Convenience and Necessity to ) APPLICATION  
Provide Commercial Ferry Service )  
 )  
..... )

**COMES NOW Mike Lauver and John Solin dba Feet Wet Partners, Feet Wet Partners, LLC.**

**I. NAME AND ADDRESS OF PLEADING PARTY**

The pleading party's name and address are:

Mike Lauver & John Solin	
dba Feet Wet Partners	
P.O. Box 2895	1321B Barlow
Oak Harbor, Wa 98277	Oak Harbor, Wa. 98277
(mailing)	(physical)

**II. RULES AND STATUTES RELEVANT TO THIS PLEADING**

This pleading involves WAC 480-07-375, Docket # TS-050443 Order No. 1,

Appendix B

## **II SUMMARY OF MOTION TO AMEND**

The Commission should allow Mike Lauver & John Solin, dba Feet Wet Partners, hereinafter FWP, to amend their application to reflect a change in the legal structure of the Applicant.

## **IV BACKGROUND**

The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on Thursday, June 30, 2005, before Administrative Law Judge Karen M. Caillé. At that time FWP raised the issue of how Applicant's name was to be recognized and recorded by the Commission and in what name a Certificate of Convenience and Necessity could be issued. Staff's position was mixed on the issue and Judge Callie' included as Appendix B of Order No. 1, permission for Applicant to file a Motion to Amend if the issue was not resolved prior to August 15, 2005.

It now appears after communications with Mr. Thompson, AAG, that Staff does agree with Applicant's position that the Partnership is in and of itself a legal entity which may be issued a certificate by the Commission without regard to the individuals who constitute the partnership. However, prior to this conclusion by

Staff, Applicant had reorganized from a Partnership into a Limited Liability Corporation, under the laws of the State of Washington and has so registered with the Secretary of State.

V. **THE COMMISSION SHOULD ALLOW MIKE LAUVER AND JOHN SOLIN, dba FEET WET PARTNERS TO AMEND ITS APPLICATION TO REFLECT ITS NEW LEGAL STATUS.**

It was the position of Staff at the prehearing conference that by changing from a Partnership to a Limited Liability Corporation, Applicant would remove any question as to what name a certificate could be issued. Subsequently, Staff has modified its position in that it now believes that under the current filing a certificate could be issued to FEET WET PARTNERS. However, to accommodate Staff's initial conclusions and to expedite the proceeding, Applicant has reorganized as a Limited Liability Corporation with the principals remaining the same. The commission should allow FWP to amend its Application NO. B-79364 filed March 22, 2005 on Line No. 1 to read "FEET WET PARTNERS, LLC" and any certificate issued on the basis of this application be issued to FEET WET PARTNERS, LLC. dba Saratoga Shuttle.

**VI. CONCLUSION**

Mike Lauver and John Solin filed Application No. B-79364 as “FEET WET PARTNERS” with the expectation that all dealings with the Commission under this application and any subsequent certificate issued would be under the name FEET WET PARTNERS. At prehearing conference Staff was unclear as to its position on this issue and suggested that any certificate issued might have to be issued to the individuals involved in the partnership rather than the partnership itself as a legal entity. Staff has since suggested that Applicant’s initial expectation was and is probably correct, however, Applicant has changed its legal structure from a partnership to a Limited Liability Corporation to resolve any question as to it being a legal entity separate from the individuals. The Application should be amended accordingly.

DATED this 12th day August, 2005

FEET WET PARTNERS, LLC

formerly FEET WET PARTNERS,

Mike Lauver and John Solin

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Michael Lauver, President

