

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

In the Matter of the Petition of)	DOCKET NO. TS-051318
)	
AQUA EXPRESS, LLC,)	ORDER NO. 01
)	
Petitioner,)	
)	
For Commission Permission)	ORDER GRANTING
Granting Temporary)	TEMPORARY
Discontinuance of Commercial)	DISCONTINUANCE OF
Ferry Service)	SERVICE
.....)	

BACKGROUND

- 1 On September 1, 2005, Aqua Express, LLC (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 a petition requesting permission to temporarily discontinue service pursuant to WAC 480-51-130.

- 2 Aqua Express provides commercial passenger-only ferry service between Kingston and Seattle Washington.

- 3 On September 1, 2005, Aqua Express provided notice to its customers by posting notices on its ferry and at its terminals, and issued a press release to local news outlets.

- 4 In its petition the Company states unanticipated low ridership, increased fuel prices, uncertainty regarding the results of a study by the Washington Legislature of the most reliable and cost-effective means of providing passenger-only service, and the requirement that the Commission hold in abeyance any application to serve additional routes to Seattle, as reasons for temporary discontinuance of operations.
- 5 The Company believes the temporary discontinuance will provide the Company time to consider ferry-rider habits and allow time for fuel prices to stabilize. Further, the Company believes that within the period of time of the discontinuance, the Legislative study will be completed allowing the Company to evaluate the impact of its recommendations on the Company's future operations.
- 6 The Company requests that the Commission grant it permission to temporarily discontinue service for a period of nine months. Aqua Express proposes to cease ferry service on October 1, 2005, with service resuming on July 1, 2006.

FINDINGS AND CONCLUSIONS

- 7 (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.*
- 8 (2) Aqua Express is a commercial ferry operator and is a public service company subject to the jurisdiction of the Commission. Aqua Express holds Certificate of Public Convenience and Necessity No. BC-129.

- 9 (3) On September 1, 2005, Aqua Express filed with the Commission a petition requesting Commission permission to discontinue service.
- 10 (4) The Company requests that the Commission grant permission to temporarily discontinue service for a period of nine months, ceasing ferry service on October 1, 2005, with service to resume July 1, 2006.
- 11 (5) The Company's proposed discontinuance is reasonable and is in the public interest.
- 12 (6) Aqua Express's petition is complies with WAC 480-51-130.
- 13 (7) This matter was brought before the Commission at its regularly scheduled open meeting on September 28, 2005.
- 14 (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:

- 15 (1) The Commission grants the petition of Aqua Express, LLC, to temporarily discontinue ferry service authorized under Certificate of Public Convenience and Necessity No. BC-129 for a nine-month period, with ferry service ceasing on October 1, 2005, and with service to resume July 1, 2006.
- 16 (2) The discontinuation granted in this order is conditioned on Aqua Express, LLC, resuming service should an immediate public need arise for commercial ferry service. If, in such circumstance, Aqua Express, LLC, 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 this 28th day of September, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner