

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TC-220249
FLOAT SKAGIT LLC d/b/a FLOAT SKAGIT	ORDER 01
Requesting Forbearance from Rate and Service Regulation as an Auto Transportation Company under RCW 81.68.015 and Exemption from the Provisions of WAC 480-30-096 Relating to Application Filing Requirements.	GRANTING FORBEARANCE FROM RATE AND SERVICE REGULATION AS AN AUTO TRANSPORTATION COMPANY AND EXEMPTION FROM RULE

BACKGROUND

- 1 On April 5, 2022, Float Skagit LLC d/b/a Float Skagit (Float Skagit or Company) filed with the Washington Utilities and Transportation Commission (Commission) a Petition requesting the Commission grant forbearance from rate and service regulation as an auto transportation company under RCW 81.68.015, and requesting the Commission grant an exemption from the application requirements of WAC 480-30-096(3)(c), (d), (f) and (g) (Petition).
- 2 The Company seeks to provide passenger transportation service for paddle boaters on the Skagit River between 19041 Beaver Marsh Road, Mount Vernon, and drop-off points at the Edgewater Park Boat Launch, Roger 'Gus' Tjeerdsma Boat Launch, and the Conway Boat Launch, solely for recreational purposes as a non-essential transportation service. The Company's customers are exclusively paddle boaters utilizing these landings on the river.
- 3 RCW 81.68.015 excludes from rate and service regulation a passenger carrier service that is not an essential transportation service, is provided solely for recreational purposes, and does not adversely affect any current fully regulated auto transportation certificate holder.
- 4 As of the date of this order, there are no fully regulated auto transportation companies providing service on the proposed route.
- 5 RCW 81.68.015 requires that a company granted exemption from regulation obtain a charter and excursion certificate under RCW 81.70.

6 Commission staff (Staff) agree that the service provided by the Company meets the exemption criteria of RCW 81.68.015.

7 In addition, the Company requests an exemption from WAC 480-30-096(3)(c), (d), (f) and (g). Staff agrees with the Company that documents such as financial statements, ridership forecasts, tariffs, and time schedules are not necessary for the Commission to determine whether the Company should be exempted from regulation. Staff supports the Company's request for exemption from WAC 480-30-096(3)(c), (d), (f) and (g).

8 The application appeared on the April 7, 2022, application docket. Interested parties were notified of the application to give them an opportunity to express their views. The application was not protested.

DISCUSSION

9 We agree with Staff's recommendation and grant the Company's Petition requesting forbearance from rate and service regulation under RCW 81.68.015. The Company's proposed service is not an essential transportation service, is provided solely for recreational purposes, and does not adversely affect any current fully regulated auto transportation certificate holder, and therefore meets the exemption criteria of RCW 81.68.015.

10 RCW 81.68.015 requires that a company granted exemption from regulation obtain a charter and excursion certificate under RCW 81.70. Float Skagit has applied for a permit, which is pending and dependent on our decision regarding its exemption from the application requirements of WAC 480-30-096(3)(c), (d), (f) and (g). Accordingly, the Company has taken the necessary steps to meet this requirement.

11 Finally, the Company requests an exemption from WAC 480-30-096(3)(c), (d), (f), and (g) relating to application requirements. Under WAC 480-07-110(1), the Commission may grant an exemption from filing requirements if doing so is consistent with the public interest, applicable rules, and underlying statutes. We agree with Staff that documents required by the subsections at issue are not necessary for the Commission to determine whether the Company should be exempted from regulation. Accordingly, we find that granting Float Skagit's request for exemption from WAC-480-30-096(3)(c), (d), (f), and (g) is consistent with the public interest, applicable rules, and underlying statutes.

FINDINGS AND CONCLUSIONS

- 12 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property, and affiliated interest transactions of public service companies, including auto transportation companies.
- 13 (2) Float Skagit has applied for authority and once authorized will be subject to commission jurisdiction.
- 14 (3) Under RCW 81.68.015, the Commission may grant forbearance from the application of RCW 81.68 if it finds that a service does not serve an essential transportation purpose, is solely for recreation, and will not adversely affect the operations of an auto transportation certificate holder.
- 15 (4) The Company's proposed service on the Skagit River between 19041 Beaver Marsh Road, Mount Vernon, and drop-off points at the Edgewater Park Boat Launch, Roger 'Gus' Tjeerdsma Boat Launch and the Conway Boat Launch does not serve an essential transportation service, is solely for recreation, and will not adversely affect the operations of an auto transportation certificate holder.
- 16 (5) The Company is subject to WAC 480-30-096, which requires auto transportation companies to file certain documents in its application for authority.
- 17 (6) Under WAC 480-07-110-(1) the Commission may grant an exemption from filing requirements if doing so is consistent with the public interest, applicable rules, and underlying statutes.
- 18 (7) The Company has demonstrated that its requested exemption from WAC 480-30-096 meets the criteria set out in WAC 480-07-011(1).
- 19 (8) This matter came before the Commission at its regularly scheduled meeting on May 12, 2022.
- 20 (9) After review of the Petition filed in Docket TC-220249 by Float Skagit LLC, on April 5, 2022, and giving due consideration, the Commission finds that granting the request for forbearance from rate and service regulation, and exemption from WAC 480-30-096(3)(c), (d), (f) and (g) is in the public interest and is consistent

with the purposes underlying regulation and applicable statutes. Accordingly, the Petition should be granted.

- 21 (10) Staff's determination and the Commission's review neither approves nor disapproves the reasonableness of any fees, charges, rates, purchase price, or accounting allocations.

ORDER

THE COMMISSION ORDERS:

- 22 (1) The request by Float Skagit LLC d/b/a Float Skagit for forbearance from rate and service regulation under RCW 81.68.015 is granted.
- 23 (2) Float Skagit LLC d/b/a Float Skagit is exempted from complying with the requirements of WAC 480-30-096(3)(c), (d), (f) and (g) for the purposes of the petition filed in this docket.
- 24 (3) If, upon completion of all other application requirements, the Commission grants authority to operate, Float Skagit LLC d/b/a Float Skagit must thereafter maintain its charter and excursion permit in good standing with the Commission.
- 25 (4) The Commission retains jurisdiction over the subject matter and Float Skagit LLC d/b/a Float Skagit to effectuate the provisions of this Order.

26 The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective May 12, 2022

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary