

**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	)	APPLICANT'S
Convenience and Necessity to	)	SUPPLEMENTAL
Provide Commercial Ferry Service	)	INFORMATION
	)	
.....	)	

Docket No. TS-050443 is an application by Mike Lauver and John Solin, d/b/a Feet Wet Partners; Saratoga Shuttle, for a certificate of public convenience and necessity to provide commercial passenger and freight-only ferry service between Oak Harbor and Coupeville, Coupeville and Madrona Beach, Oak Harbor and Mukilteo, and intermediate points on those routes.

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.

Commission Staff raised several issues relating to the sufficiency of the Application, including (1) the absence of a vessel on the application materials, (2) whether the boat would meet the definition of a vessel, (3) whether the 10 mile waiver would apply, and (4) what time-frame would apply for commencing service. The parties agreed to discuss these and any other issues that may arise, and Applicant will supplement or amend the Application with information or documents, as needed.

Applicant and Staff have addressed and resolved all of the above issues to the satisfaction of each party. (1) A general description of a proposed vessel was included with the application materials. (2) Applicant supplemented its description and has shown staff preliminary engineering drawings of the proposed vessel which call for an unladen weight of approximately 14,000 pounds satisfying the definition of a *vessel*. (3) Applicant and Staff are in agreement that the *ten mile rule* does not apply in this case. Applicant's proposed routes do not meet the criteria for falling under this rule as both the start and termination points of the proposed route(s) must be within ten miles of the corresponding points on established Washington State Ferry routes, Applicant's routes are outside the ten mile exclusion zone. Additionally, the application is for Passenger Ferry Service and is specifically excluded from the limitations of the *ten mile rule*. RCW 47.60.120 (2)& (5) Other crossings -- Infringement of existing franchises -- Waivers (as amended by 2003 c 373). (4) As the application is for Passenger Ferry Service, RCW 81.84.010 (2) allows a twenty month window of opportunity to commence operations from the date of issuance of authority by the Commission.

In addition to the above there was discussion at the pre-hearing conference regarding the name that the applicants submitted the application under, *ie*, FEET WET PARTNERS. The Applicant contends that a general partnership is a legal entity in and of its self while Staff regards a partnership as the individuals who constitute the partnership doing business as the partnership name. While it now appears that Staff has modified its position on this matter to be more in accord with Applicant's thinking, applicant has submitted a Motion to Amend under the above Docket Number to change the Applicant from FEET WET PARTNERS to FEET WET PARTNERS, LLC. By granting this motion all of Applicant's concerns regarding this issue will be resolved.

Order NO. 2 did not address the scope of additional information sought or required by the Commission other than the issues discussed above. In addition to those issues, Applicant and Staff have agreed that the application will stand on its own merits with the addition of the following supporting documentation

and information; (1) support statements, (2) supplemental information about the applicant(s).

(1) Applicant and Staff have agreed that two support statements will be sufficient on this application in light of the number and strength of the support letters received by the Commission. Two such letters of support are attached as 1-a and 1-b.

(2) Applicant Lauver has a strong and extensive business background. He has been a small business owner / operator for more than 30 years. Most recently and currently, he is a principal in Seatac Shuttle, LLC, which operates Whidbey-Seatac Shuttle under WUTC Authority C-1077 as well as Charter and Excursion Authority. Other transportation related business experience include Denali Wings, Inc., an FAA certificated Air Carrier (President, Director of Operations) and TMI, Inc., hotels and hotel shuttle service (President). Marine experience includes; AIPac Underseas, Inc, underwater recovery and salvage (Vice-President) and Gulf Maritime, Inc., commercial submarine operations. Mr. Lauver has also served as an officer and/or on the Board of Directors of numerous domestic and foreign corporations and holds degrees from the University of California and Coleman College. He resides on Whidbey Island.

Applicant Solin also is a principal in Seatac-Shuttle, LLC, WUTC C-1077. He has an extensive business background focusing on transportation through the current operation of Whidbey-SeaTac Shuttle. His other business interests include real estate and theater operations. He served twenty years in the United States Navy, retiring with the rank of Commander. Mr. Solin holds degrees from the University of Idaho and the University of California. He resides on Whidbey Island.

Applicant disagrees with the Commission's determination that the application must proceed as an adjudicative proceeding. This determination is in contradiction to Staff's and the AAG's interpretation of legislation that amends RCW 81.84.020, effective July 24, 2005. Substitute Senate Bill 5105, section 7,

amends RCW 81.84.020 to allow the Commission to issue a certificate to operate commercial ferry service without a hearing, as long as proper notice and an opportunity for a hearing was originally provided, and no objections are made regarding the issuance of the certificate. The Applicant agrees with Staff and the AAG and so did ALJ's own comments at the pre-hearing conference. This course runs contrary to the spirit and the intent of the legislature. However, in the interest of keeping the process moving, Applicant does not dispute this determination.

The Applicants have proven themselves *Fit, Willing and Able* to operate regulated transportation in the State of Washington through SeaTac Shuttle, LLC and this application. A clear need has been demonstrated through the letters and statements of support. Island County is unique in the State in that it is two dissociated land masses connected by a single road through an adjoining county. Granting of this application will reconnect the county, foster economic development and relieve highway and state ferry congestion. All aspects of the proposed service are beneficial to the economic health and lifestyle of Island County and its residents. The Applicants respectfully request that the Commission grant this application.

By: Michael Lauver  
Feet Wet Partners;  
Feet Wet Partners, LLC  
President

Dated this 19<sup>th</sup> Day of August, 2005  
at Oak Harbor, Washington