

[Service Date May 13, 2004]

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

In re Application No. B-079273 of)	DOCKET NO. TS-040650
)	
AQUA EXPRESS, LLC)	
)	
For a Certificate of Public)	NOTICE OF PREHEARING
Convenience and Necessity to)	CONFERENCE
Provide Commercial Ferry Service)	(Set for May 21, 2004, 1:30 p.m.)
)	
.....)	

- 1 On April 8, 2004, Aqua Express, LLC filed an application (No. B-079273) for a certificate of public convenience and necessity to provide commercial passenger-only and freight service between Seattle and Kingston, Washington. Notice of the Application was published in the Commission's weekly docket of April 12, 2004.

- 2 The Commission has jurisdiction over this matter under Title 81 RCW, which authorizes it to regulate persons seeking to furnish commercial ferry service under chapter 81.84 RCW and chapter 480-51 WAC. The issues in this proceeding include whether granting the authority requested in the Application is consistent with the public interest.

- 3 Statutes involved include those within chapter 81.04 RCW, chapter 81.84 RCW, and chapter 34.05 RCW, including but not limited to RCW 34.05.431, RCW 34.05.434, RCW 34.05.437, RCW 34.05.440, RCW 34.05.443, RCW 81.84.010, and RCW 81.84.020. Rules involved include those within chapter 480-07 WAC and chapter 480-51 WAC.

4 THE COMMISSION GIVES NOTICE That in accordance with WAC 480-07-440(1)(a), the Commission has determined that good cause exists for this matter to be heard on shortened notice.

5 **THE COMMISSION GIVES NOTICE That a prehearing in this matter will be held at 1:30 p.m., on Friday, May 21, 2004, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** Parties may attend the prehearing conference via the Commission's teleconference bridge (360-664-3846). If you appear via teleconference, you must appear five minutes before the time that the conference is scheduled to begin.

6 The purpose of the prehearing conference is to take appearances, discuss preliminary matters, to consider formulating the issues in the proceeding, establish a procedural schedule and to determine other matters to aid in its disposition, as specified in WAC 480-07-430. The time and place for any evidentiary hearings will be set at the prehearing conference or by later written notice.

7 Notices of appearance must be filed with the Commission, as required by WAC 480-07-345(2), no later than the day prior to the conference. If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing set by this Notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440. The parties are further advised that the sanction provisions of WAC 480-07-450 are specifically invoked.**

9 The names and mailing addresses of all parties and their known representatives are as follows:

Applicant: Aqua Express, LLC.
1101 Alaskan Way, Suite 201
Seattle, WA 98101
(206) 623-1445

Representative: David W. Wiley
Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
(206) 233-2895

Protestant: Inlandboatmen's Union of the Pacific
1711 W. Nickerson St., Suite D
Seattle, WA 98119
(206) 284-6001

Representative: Dmitri Iglitzin
Judith Krebs
Schwerin Campbell Barnard LLP
18 West Mercer Street, Suite 400
Seattle, WA 98119-3971
(206) 285-2828

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Donald Trotter
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1189

- 10 The Commissioners of the WUTC and Administrative Law Judge Ann E. Rendahl, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.
- 11 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this 13th day of May, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be address to:

Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____