

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

In the Matter of Cancellation of)	DOCKET TS-080087
Certificates of)	
)	NOTICE OF BRIEF
)	ADJUDICATION
DUTCHMAN MARINE, LLC (BC-126))	
AND SEATTLE FERRY SERVICE, LLC)	SETTING TIME FOR ORAL
(BC-123))	STATEMENTS
)	<i>(Set for March 25, 2008,</i>
)	<i>at 9:30 a.m.)</i>
.....)	
..		

- 1 On January 16, 2008, the Washington Utilities and Transportation Commission (Commission) notified Dutchman Marine, LLC (Dutchman Marine), Seattle Harbor Tours Limited Partnership (Seattle Harbor Tours), and Seattle Ferry Service, LLC (Seattle Ferry Service) of its intention to cancel their individual certificates for failure to comply with Revised Code of Washington (RCW) 81.84 and Washington Administrative Code (WAC) 480-51. The Notice provided that any certificate holder wishing to request a hearing or otherwise contest cancellation had to do so in writing by February 15, 2008.

- 2 On February 8, 2008, Larry Kezner of Seattle Ferry Service filed a letter with the Commission acknowledging failure to submit a progress report in 2007. The letter went on to explain the operational challenges facing Seattle Ferry Service, request a modification of the company’s certificate to eliminate one ferry run and confirm continuation of another. Mr. Kezner’s letter closed by agreeing to participate in a hearing in this matter, if required.

- 3 On February 12, 2008, Daniel E. Dolson of Dutchman Marine filed a letter with the Commission asking for a hearing. Mr. Dolson indicated that “Dutchman Marine wishes to continue to pursue implementation of passenger-only ferry service on Lake Washington and Lake Union,” further noting that cancellation of it certificate “would severely hinder the development of the service.”

- 4 Seattle Harbor Tours failed to respond to the Notice. Therefore, based upon the unchallenged factual allegations set out in the Notice (¶¶ 14, 16, 17 and 18), the Commission will cancel Seattle Harbor Tours' certificate No. BC-124 by further Commission order.
- 5 **NOTICE IS HEREBY GIVEN That a brief adjudicative proceeding for parties to make oral statements will be held on Tuesday, March 25, 2008, at 9:30 a.m. in Room 108, First Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend in person, you may attend via the Commission's teleconference bridge line at **(360) 664-3846.**
- 6 The authority for and procedural rules governing a brief adjudication are found in RCW 34.05.482 and WAC 480-07-610. The statutes and rules relevant to this proceeding can be found in RCW 81.84 and WAC 480-51.
- 7 The record in this case will consist of any documents regarding the matter that are considered or prepared by the presiding officer for the brief adjudicative proceeding. The current record includes all documents referenced in ¶¶ 11-19 of the Notice of Intent to Cancel Certificates. In addition, in accordance with WAC 480-07-495(2)(a)(i), the presiding officer will take official notice of all administrative rulings and orders contained in Dockets TS-001774, TS-002044, and TS-002054, as well as the contents of the certificates at issue in this matter (BC-126 and BC-123).
- 8 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.
- 9 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents no later than 5:00 p.m. on Thursday, March 20, 2008, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and -145.

10 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440.**

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

Certificate Holder: Dutchman Marine LLC
BC-126 10642 Rainier Avenue South
Seattle, WA 98178

Representative: None

Certificate Holder: Seattle Ferry Service, LLC
BC-123 668 W. Emerson Street
Seattle, WA 98119

Representative: David Wiley
Williams Kastner & Gibbs, PLLC
Two Union Square
601 Union Street, Suite 4100
Seattle, WA 98101-2380
(206) 628-6600

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

Representative: Jonathan Thompson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1125

12 Administrative Law Judge Adam E. Torem from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, is designated to preside at the hearing. Judge Torem's telephone number is (360) 664-1138.

DATED at Olympia, Washington and effective March 3, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge

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.: (____) _____