

Group Charters
Sunset Harbor History Cruises
Extended Overnight Charter Cruises
San Juan Island Whale Search Cruises
2621 South Harbor Loop
Bellingham, WA 98225
360-734-8866
Since 1962



ISLAND MARINER CRUISES INC.

September 6, 2012

David Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
Attention: Records Center
P.O. Box 47250
1300 S Evergreen Park Dr. SW
Olympia, WA 98504-7250

RECEIVED
RECORDS MANAGEMENT
2012 SEP 17 AM 8:18
STATE OF WASH
UTIL. AND TRANSP
COMMISSION

Re: Service of Pacific Cruises Northwest, Inc. / Drew Schmidt.
Protest of Docket No. TS-121395CT, application for Commercial Ferry

Re: Protest of Docket No. TS-121253, application for Extension of
Commercial Ferry Service of Bellingham Water Taxi / Sean
McNamara.

Dear Mr. Danner:

Island Mariner Cruises inc. currently has Certificate No. BC-95 that allows it to operate a passenger & freight service between Bellingham WA. Friday Harbor on (San Juan Island), Via Elisa, Sinclair, Cypress, Blakely, Decatur, Crane, Jones, Spieden, Johns, Stuart, Waldron, Sucia and Matia Islands with additional stop at Roche Harbor on San Juan Island, Rosario Resort, Olga and Doe Bay on Orcas Island, Lopez and Shaw Islands.

However, I wish to register my protest of the application for Certificate of Public Convenience and Necessity of Pacific Cruises Northwest, Inc. / Drew Schmidt in the above referenced docket for service between Bellingham and Friday Harbor.

I also wish to register my protest of the extension application for Certificate of Public Convenience and Necessity of Bellingham Water Taxi / Sean McNamara in the above referenced docket for service between Bellingham and Friday Harbor.

Name and Address of Protestant:
Island Mariner Cruises, Inc.
2621 South Harbor Loop
Bellingham, WA. 98225
Docket No. TS-070019

Protestant was in partnership with Pacific Cruises Northwest, operating a company named Island Commuter Service Inc. This partnership was dissolved on April 26, 2012. During the period of this partnership Island Mariner Cruises and Pacific Cruises Northwest both leased their Certificate's No-95 & No-10 to Island Commuter Service Inc. Once the Commission accepted this disillusion Island Mariner Cruises was awarded 12 months to start a new service. Docket No. TS-120418 Order 01.

Pacific Cruises Northwest inc. was awarded permission on 5-31-12 Docket No. TS-120446 to transfer and sell the following destinations to Bellingham Water Taxi. Commercial ferry service between Bellingham, Obstruction Pass, including flag stops at Orcas Landing and Brandt's Landing on Orcas Island, Eliza, Sinclair, Blakely, and Lopez. Pacific Cruises Northwest choosing to keep only Friday Harbor. Docket No. TS-121174 on 07-12-12 Pacific Northwest Cruises voluntarily forfeited their Certificate to Friday Harbor. Now it appears they want Friday Harbor back why I don't know? I believe they forfeited it originally so they could offer reduced rates on their trips. Newspaper clipping included. Island Mariner Cruises has been in the Whale Watching business since 1980. Two years ago Pacific Cruises Northwest discontinued their scheduled trips to Victoria B.C. and started Whale watching trips, I am under the belief they wanted the flexibility of offering discount tickets on their trips to be complete. Why they want to be under the jurisdiction of the commission again I don't know. It seems that they are great at wasting everyone and the commission's time.

My intention is to service all of the Islands on my Certificate not just San Juan Island (Friday Harbor). I do believe however that Friday Harbor is needed exclusively to make it feasible to operate the entire service profitably. Friday Harbor being the stop with the highest traffic. I don't believe it is fair for anyone to pick one plum out of 172 Islands. I hereby protest the application of Pacific Cruises Northwest for a certificate and Bellingham Water Taxi for an extension to their Certificate.

At the moment I am looking at several vessels that might perform well for both passengers and freight. At this time however I have not yet purchased a new vessel for this service. I do now own a 110' passenger vessel that has a current Coast Guard Certificate, but I am looking for a smaller faster vessel that would make it easier to service the small landings.

Very Truly Yours

A handwritten signature in black ink, appearing to read 'Terry Buzzard', written over a large, loopy scribble.

Terry Buzzard
Island Mariner Cruises

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TS-120418
)	
ISLAND MARINER CRUISES,)	ORDER 01
INC.,)	
)	
Petitioner,)	
)	
Relating to Discontinuance of)	
Commercial Ferry Service Authorized)	ORDER GRANTING
by Certificate of Convenience and)	DISCONTINUANCE OF
Necessity No. BC-95)	SERVICE
.....)	

BACKGROUND

- 1 On March 27, 2012, Island Mariner Cruises, Inc. (Island Mariner or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting the Commission grant a discontinuance of service authorized under Island Mariner’s Certificate of Convenience and Necessity No. BC-95.

- 2 Island Mariner operates seasonal service beginning on the third Saturday in May through Labor Day in September each year. The Company provides commercial ferry service between Bellingham, Washington, and Friday Harbor (San Juan Island), via Elisa, Sinclair, Cypress, Blakely, Decatur, Crane, Jones, Spieden, Johns, Stuart, Waldron, Sucia and Matia Islands with an additional stop at Roche Harbor on San Juan Island, Rosario Resort, Olga and Doe Bay on Orcas Island, Lopez and Shaw Islands.

- 3 Island Mariner stated its petition is based on its lack of time to locate a vessel due to the recent termination of a leasing agreement between Island Mariner and Pacific Cruises Northwest d/b/a Victoria San Juan Cruises (Pacific Cruises). Pacific Cruises requested Island Mariner to jointly file to withdraw the leasing agreements, originally scheduled to continue through 2022, to allow Pacific Cruises to sell a portion of its Certificate of Convenience and Necessity No. BC-10. The Commission terminated the leasing agreements on April 6, 2012, in Docket No. TS-070019 and TS-070020.

- 4 Island Mariner requests that it be allowed to discontinue service for a period of twelve months, beginning April 30, 2012, returning to provide service on or before April 30, 2013. Island Mariner believes it can locate a vessel within the 12-month period.
- 5 Under WAC 480-51-130, a commercial ferry company must request approval from the Commission to discontinue some or all of its operations. The company must provide 15 days' notice to the Commission and the public before the effective date of the discontinuance. The Commission shall not grant a discontinuance of service for a period longer than twelve months.
- 6 Commission Staff reviewed the petition, concluded that a discontinuance of service would allow the Company time to acquire a boat to provide service in the future, and recommended that Island Mariner's petition be granted.

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 the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including commercial ferry companies. RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.08, RCW 81.12, RCW 81.16 and RCW 81.84.
- 8 (2) Island Mariner is engaged in the business of providing commercial ferry service within the state of Washington as a public service company, and is subject to Commission jurisdiction.
- 9 (3) Under WAC 480-51-130, a commercial ferry company must request approval from the Commission to discontinue some or all of its operations. The company must provide 15 days' notice to the Commission and the public before the effective date of the discontinuance. The Commission shall not grant a discontinuance of service for a period longer than twelve months.
- 10 (4) This matter came before the Commission at its regularly scheduled open meeting on April 26, 2012.
- 11 (5) The petition Island Mariner filed should be granted, authorizing Island Mariner to discontinue service from April 30, 2012, until April 30, 2013.

ORDER

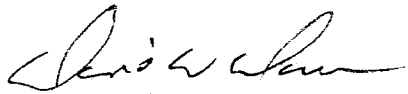
THE COMMISSION ORDERS:

- 12 (1) The petition Island Mariner Cruises, Inc., filed requesting permission to
discontinue service authorized by Certificate of Convenience and Necessity
No. BC-95 is granted.
- 13 (2) The discontinuance is effective from April 30, 2012, until April 30, 2013.
- 14 (3) Should an immediate need arise for commercial ferry service, Island Mariner
Cruises, Inc., must be prepared to resume service to meet those needs. If
Island Mariner Cruises, Inc., cannot, or will not, resume service, the
Commission will deem that Island Mariner Cruises, Inc., has waived interest
in its commercial ferry certificate of public convenience and necessity and
will grant authority to another carrier who is prepared to meet the needs of the
traveling public. The Commission will then institute proceedings to cancel
Island Mariner Cruises, Inc.'s certificate and to grant authority to another
carrier who is prepared to meet the needs of the traveling public.

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

DATED at Olympia, Washington, and effective April 26, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DAVID W. DANNER, Executive Director and Secretary



Pacific Cruises Northwest, Inc. – 355 Harris Avenue, Suite 104 – Bellingham, WA 98225
360.738.8099 – 800.443.4552 – Fax 360.738.7685

11 July 2012

David Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
Attention: Records Center
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

Re: WUTC Certificate BC-10, Pacific Cruises Northwest, Inc..

Dear Mr. Danner:

Based on the staff summary of the legislative history outlined in the letter dated 29 June 2012 from Gene Eckhardt, as well as recent discussions with Commission staff, Pacific Cruises Northwest, Inc., doing business as San Juan Cruises, is requesting “voluntarily relinquishment” of its commercial ferry certificate, number BC-10. Pacific Cruises primarily operates a sightseeing excursion that includes one or more shore stops within the San Juan Islands that return passengers to the point of origin rather than performing over a regular route.

As a result of this request, we would also ask to withdraw our pending rate case in Docket No. TS-120803 as it would be mooted by the above relinquishment of certificate.

As this request is largely predicated on the staff’s interpretation of the change in law to RCW 81.84 in early 2000 and the cited legislative history, as well as the outlined legislative history, we are also requesting that if at some future date, the Commission’s staff opinion or regulations change that require this service to be regulated, we would anticipate that having previously held the certificate for this service in the past years would be recognized as evidence of our fitness to operate the prospective re-regulated route.

Thank you for your attention to this request and for the admirable assistance of your staff in reaching this conclusion.

Sincerely,

Captain Drew M. Schmidt
President

Fairhaven (FAIRHAVEN) ADD
JULY 2012

FRIDAY HARBOR & WHALES

SAVE \$

10



Whale Watching and Friday Harbor

Homestyle BBQ Chicken Lunch Included!

No Ferry Hassles – Convenient Location!

26 Years of Happy Passengers

Ask about our Cracked Crab Sunset Cruise

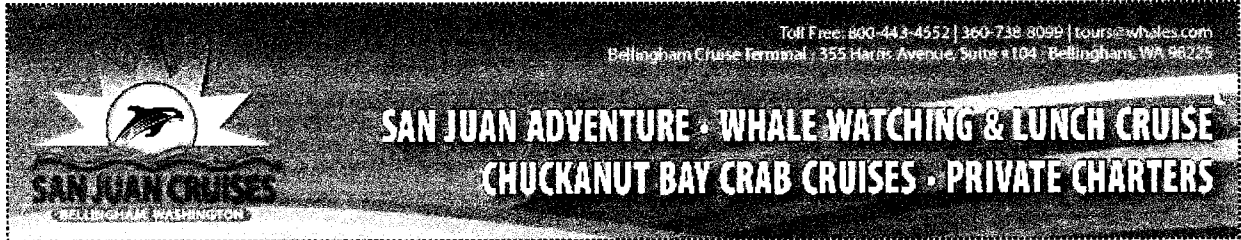
Mention coupon code "BH2" when you make reservations

San Juan Cruises • Daily Departures from Fairhaven • whales.com • 360-738-8099

doreen's mail

From: "San Juan Cruises" <tours@whales.com>
To:
Sent: Monday, August 27, 2012 2:23 PM
Subject: San Juan Cruises - September Special / Facebook Photo Contest

Having trouble viewing this email? [Click here](#)



Facebook Photo Contest - Share Your Photos & Have A Chance To Win A Free Cruise!



September Special - \$15 Off Our San Juan Adventure Whale Watching Cruise In September!

Facebook Photo Contest - Through September 30th



As our season winds down, we're sure many of you have had a chance to take one of our cruises. If you took photos from one of our boats (or took photos of our boats), we'd love to have you share them on our Facebook page. You can submit any photo you took -

San Juan Cruises Links

San Juan Adventure Day Cruise

Chuckanut Cracked Crab Dinner Cruise

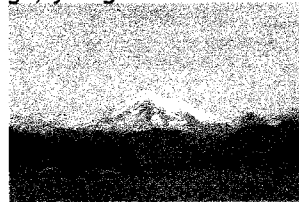
9/11/2012

whales, wildlife, islands, Mt. Baker, boats, or a sunset. At the end of September, we will take a look at all of the photos submitted and pick 3 winners in the following categories:

- Photo taken on our San Juan Adventure cruise
- Photo taken on our Chuckanut Cracked Crab dinner cruise
- Photo taken on one of our unWINEd On The Bay, or Bellingham Bay BREWS cruises

Submit your photos on our Facebook page: <https://www.facebook.com/sanjuancruisesbellingham>

By submitting a photo through our Facebook page, you give us permission to use your photo via our social media pages (Facebook, Twitter, etc.), our website/blog at www.whales.com, or brochures or other printed media. While we cannot offer payment for any photos we use, we are happy to include photo credit if you wish. (If you do not use Facebook, you may e-mail photos to us at: tours@whales.com)



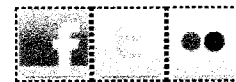
unWINEd On The Bay - Wine Tasting Cruises

Bellingham Bay BREWS Cruises

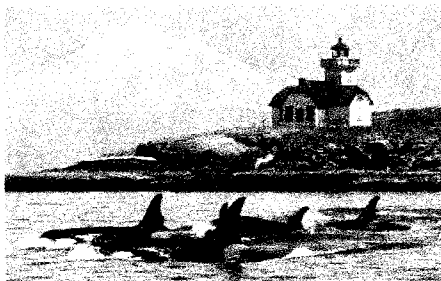
Private Parties & Boat Charters

San Juan Cruises Blog / Whale Report

Comment & Brochure Requests



San Juan Adventure (Friday Harbor / Whale Watching / Lunch Cruise)



Time is running out to enjoy a beautiful day in the San Juans! We hope you'll join us in September for our San Juan Adventure whale watching cruise. This narrated tour through the San Juan Islands includes whale watching, our hearty homestyle BBQ chicken lunch and a 2-hour shore visit in Friday Harbor. Orca and Minke whale sightings have been excellent so far this year, with our 3 local pods, as well as transient Orca groups being frequently throughout the season. Plus, there's always plenty of seals, sea lions, porpoises and bald eagles to see in the islands. Our deluxe 100 foot tour vessel has plenty of indoor seating, but when

the sun's out you'll want to relax on one of our outer decks as we cruise through one of the most beautiful areas of the Pacific Northwest.

For our e-newsletter subscribers we are pleased to offer a \$15 discount off each adult fare during the month of September with promotional code: SEP

June 2 - September 16 | Daily
September 22 - September 30 | Saturdays & Sundays Only

Depart Bellingham - 9:30 am / Arrive Friday Harbor - 1:30 pm

Depart Friday Harbor - 3:30 pm / Arrive Bellingham - 5:30 pm

Adults - \$99 | Children (6-17) - \$49.50 | Under 6 - FREE

Book online, or call 1-800-443-4552 for more details and reservations.

Chuckanut Bay Cracked Crab Dinner Cruise (Friday & Saturday Evenings)



Enjoy cruising the diversely scenic Chuckanut Coast as you feast on the Northwest's finest Dungeness Crab served with Baked Chicken, our signature Broccoli Salad, Old-

Fashioned Potato Salad, locally baked French Bread and triple-berry cobbler with ice cream for dessert. View the spectacular coastlines of Chuckanut Bay, the Viti Rocks National Wildlife Refuge, Eliza and Lummi Islands and Bellingham Bay. Relax and make new friends while enjoying a selection of Northwest wines and microbrews.

Go beyond the traditional waterfront restaurant experience and join us for a cruise filled with delicious food and beverages, along with scenery that you won't forget.

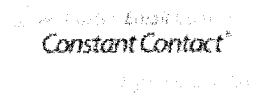
June 1 - September 15 | Fridays & Saturdays
6:30 - 9:00 pm

Adults - \$59 | Children (6-17) - \$29.50 | Under 6 - FREE

Book online, or call 1-800-443-4552 for more details and reservations.

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San Juan Cruises | 355 Harris Avenue #104 | Bellingham | WA | 98225

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Version: 10.0.1424 / Virus Database: 2437/5246 - Release Date: 09/03/12