

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

FRIDAY HARBOR JOLLY TROLLEY,
INC. d/b/a FRIDAY HARBOR JOLLY
TROLLEY AND LEAVENWORTH
JOLLY TROLLEY

Petitioner,

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

DOCKET TC-180691

ORDER 01

ORDER GRANTING
FORBEARANCE FROM RATE AND
SERVICE REGULATION AS AN
AUTO TRANSPORTATION
COMPANY AND EXEMPTION
FROM RULE

BACKGROUND

- 1 On August 15, 2018, Friday Harbor Jolly Trolley, Inc. d/b/a Friday Harbor Jolly Trolley and Leavenworth Jolly Trolley (Friday Harbor Jolly Trolley or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting the Commission grant forbearance from rate and service regulation; exempt it from regulation as an auto transportation company under RCW 81.68.015; and grant an exemption from the requirements of WAC 480-30-096(3) items (c), (d), (f), and (g) related to application requirements (Petition).
- 2 Friday Harbor Jolly Trolley seeks to provide scheduled or regular passenger service to various points in Leavenworth, Washington, including service between and to county, state, and federal parks and trailheads, resorts, hotels, motels, inns, bed and breakfasts, shopping centers, art galleries and museums, wineries/vineyards, and other similar locations in and around Leavenworth solely for recreational purposes as a non-essential transportation service.
- 3 Commission staff (Staff) reviewed the request and recommends issuing a certificate for auto transportation services to Friday Harbor Jolly Trolley; granting an exemption from regulation as an auto transportation company under RCW 81.68.015 for the services

provided in an around Leavenworth, Washington; and granting an exemption from WAC 480-30-096(3) items (c), (d), (f), and (g) related to application requirements. The Company demonstrated the proposed service is not an essential transportation service because it is tourism-based. Because Staff recommends granting forbearance from rate and service regulation, it is not necessary for the Company to provide with its application the items normally required by WAC 480-30-096(3) items (c), (d), (f), and (g).

DISCUSSION

- 4 The Commission concurs with Staff's recommendation. RCW 81.68.015 excludes from regulation passenger carrier service that: 1) is not an essential transportation service; 2) is provided solely for recreation purposes; and 3) does not adversely affect any current fully-regulated auto transportation certificate holder.
- 5 We agree with Staff that the service provided by Friday Harbor Jolly Trolley in and around Leavenworth meets the exemption criteria of RCW 81.68.015. The service will be provided solely for a recreational purpose — tourism — and, as such, is not an essential service. As of the date of this Order, there are no companies providing regulated auto transportation service in Leavenworth, Washington.
- 6 RCW 81.68.015 requires that a company granted exemption from regulation obtain a charter and excursion certificate under RCW 81.70. Friday Harbor Jolly Trolley holds charter and excursion certificate CH-67128 and currently provides a similar service on San Juan Island with forbearance from rate and service regulation.¹ Accordingly, the Company also meets this requirement.
- 7 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 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. Accordingly, we find that granting Friday Harbor Jolly Trolley'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.

¹ See Order 01 in Docket TC-160821 (August 4, 2016)

FINDINGS AND CONCLUSIONS

- 8 (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 and affiliated interests of public service companies, including charter and excursion and auto-transportation companies.
- 9 (2) Friday Harbor Jolly Trolley is a public service company subject to Commission jurisdiction.
- 10 (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.
- 11 (4) Friday Harbor Jolly Trolley's proposed service to provide scheduled or regular passenger service to various points in Leavenworth, Washington, including service between and to county, state, and federal parks and trailheads, resorts, hotels, motels, inns, bed and breakfasts, shopping centers, art galleries and museums, wineries/vineyards, and other similar locations in and around Leavenworth does not serve an essential transportation service, is solely for recreation, and will not adversely affect the operations of any auto transportation certificate holder in Leavenworth, Washington.
- 12 (5) Friday Harbor Jolly Trolley is subject to WAC 480-30-096, which requires auto transportation companies to file certain documents in its application to the Commission.
- 13 (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.
- 14 (7) Friday Harbor Jolly Trolley demonstrated that its requested exemption from WAC 480-30-096 meets the criteria set out in WAC 480-07-110(1).
- 15 (8) Friday Harbor Jolly Trolley holds a charter and excursion permit as required by RCW 81.68.015.

- 16 (9) This matter came before the Commission at its regularly scheduled meeting on September 27, 2018.
- 17 (10) After reviewing the Petition filed in Docket TC-180691 by Friday Harbor Jolly Trolley on August 15, 2018, and giving due consideration, the Commission finds that granting the request for forbearance from rate and service regulation is consistent with RCW 81.68.015, and that granting an exemption from WAC 480-30-096(3)(c), (d), (f), and (g) is in the public interest, and is consistent with the purposes underlying the regulation and applicable statutes. Accordingly, the Petition should be granted.
- 18 (11) 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:

- 19 (1) The Commission grants Friday Harbor Jolly Trolley, Inc. d/b/a Friday Harbor Jolly Trolley and Leavenworth Jolly Trolley's Petition requesting forbearance from rate and service regulation under RCW 81.68.015.
- 20 (2) The Commission grants Friday Harbor Jolly Trolley, Inc. d/b/a Friday Harbor Jolly Trolley and Leavenworth Jolly Trolley's Petition for exemption from complying with the requirements of WAC 480-30-096(3) (c), (d), (f), and (g).
- 21 (3) Friday Harbor Jolly Trolley, Inc. d/b/a Friday Harbor Jolly Trolley and Leavenworth Jolly Trolley must maintain its charter and excursion permit in good standing with the Commission.
- 22 (4) The Commission retains jurisdiction over the subject matter and Friday Harbor Jolly Trolley, Inc. d/b/a Friday Harbor Jolly Trolley and Leavenworth Jolly Trolley to effectuate the provisions of this Order.

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 September 27, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary