

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

In the Matter of the Petition of)	DOCKET NO. TS-050527
)	
)	ORDER NO. 01
Pacific Boat Enterprises, LLC,)	
d/b/a Mosquito Fleet, BC-125)	
)	
Petitioner,)	
)	
For Commission Permission)	ORDER GRANTING
Allowing Temporary)	TEMPORARY
Discontinuance of Commercial)	DISCONTINUANCE OF
Ferry Service.)	SERVICE
.....)	

BACKGROUND

- 1 On April 5, 2005, Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet (Pacific or Company) holder of commercial ferry certificate of public convenience and necessity BC-125, filed with the Washington Utilities and Transportation Commission a petition requesting permission from the Commission for a one year temporary discontinuance of service authorized under the Company's certificate.

- 2 The Company normally operates annually from mid-April through early October providing commercial ferry service between Everett and Friday Harbor, with flag stops at Rosario Resort and Roche Harbor.

- 3 This is the first time Pacific has requested such a discontinuance involving its service to Roche Harbor and Rosario Resort. The Company will continue to serve between Everett and Friday Harbor.

4 In its petition the Company cites insufficient passenger counts and increased operating expenses for fuel and dockage fees.

5 The Company requests that the Commission grant permission to temporarily discontinue service to Rosario Resort and Roche Harbor for a period of twelve months, returning to service in April 2006. The Company believes that such a temporary discontinuance will have little effect on the traveling public, since other alternatives are available, principally the Washington State Ferry system. Written notices of the filings were faxed to Rosario Resort and Roche Harbor on April 6, 2005. No complaints or comments have been received from either locale or any other parties.

6 WAC 480-51-130 provides:

No certificate holder shall discontinue the service authorized under its certificate and set forth in its filed time schedule without first having given to the commission and to the public, at least fifteen days' notice, in writing, of its intention to discontinue such service, and without having secured the commission's permission. The commission shall not grant permission for discontinuance of service for periods exceeding twelve months.

FINDINGS AND CONCLUSIONS

7 (1) Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet, BC-125, is engaged in the business of providing commercial ferry service within the state of Washington as a public service company, and is subject to the jurisdiction of the Commission. *Chapter 81.84 RCW and WAC 480-51.*

- 8 (2) On April 5, 2005, Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet, BC-125, filed with the Commission a petition requesting permission to discontinue service to Roche Harbor on San Juan Island and Rosario Resort on Orcas Island as authorized by the Company's certificate of public convenience and necessity, BC-125. The discontinuance requested by the Company encompasses the period of April 22, 2005, to April 21, 2006.
- 9 (3) The proposed discontinuance petition by Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet, BC-125, is reasonable. The Company has experienced decreased patronage and increased operating expenses. Other travel options are available to the public, principally through the Washington State Ferry system. No negative comments have been received from either Rosario Resort or Roche Harbor.
- 10 (4) This matter was brought before the Commission at its regularly scheduled open meeting on April 13, 2005.

ORDER

THE COMMISSION ORDERS:

- 11 (1) Permission is given to Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet, BC-125, to temporarily discontinue service to Rosario Resort and Roche Harbor authorized under its certificate of public convenience and necessity for the period April 22, 2005, to April 21, 2006. The Company will continue to serve between Everett and Friday Harbor.
- 12 (2) This authorization is conditioned on Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet, BC-125, resuming service should an immediate need arise for commercial ferry service. Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet, BC-125, must be prepared to resume service to meet those needs. If Pacific Boat Enterprises, LLC, d/b/a Mosquito

Fleet, BC-125, cannot, or will not, resume service to Rosario Resort and Roche Harbor, the Commission will deem that the Company has waived interest in that portion of its commercial ferry certificate. The Commission will then institute proceedings to modify the Company's certificate accordingly, and to grant authority to another carrier who is prepared to meet the needs of the traveling public to those points.

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 this 13th day of April, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary