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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

In re Application of

NO. TS-180677

BACKCOUNTRY TRAVELS LLC

BACKCOUNTRY TRAVELS, LLC'S  
OBJECTION TO LAKE CHELAN  
RECREATION, INC. AND DISCOVER  
LAKE CHELAN, LLC RESPONSES TO  
JUDICIAL REQUEST NO. 3

For a Certificate of Public Convenience  
and Necessity to Operate Vessels in  
Furnishing Passenger Ferry Service

**I INTRODUCTION**

1 On March 5, 2019, Honorable Administrative Law Judge Andrew J. O'Connell  
2 distributed Notice of Bench Request No. 3 to all parties to the above entitled action. Both the  
3 Utilities and Transportation Commission ("Commission") and Backcountry Travels, LLC  
4 ("Backcountry") responded to the Request on March 12, 2019. Submissions were also made  
5 by Lake Chelan Recreation, Inc. ("LCRI") and Discovery Lake Chelan, LLC (Discover).  
6 Backcountry objects to the submissions by LCRI and Discover as follows.

**II STATEMENT OF FACTS**

1 Backcountry filed an application for a certificate of public convenience and  
2 necessity to allow it to provide ferry service on Lake Chelan in August, 2018.

3 In October, 2018 LCRI filed its protest to Backcountry's application.

1 4 On November 21, 2018 a procedural schedule was issued and hearings were to  
2 begin on April 22, 2019. The Commission adopted the procedural schedule as Order 01.  
3 Order 01 required that Backcountry submit direct testimony by December 18, 2018 and  
4 that LCRI and Staff submit responsive testimony by January 14, 2019.

5 5 On January 3, 2019 LCRI submitted its Motion to Withdraw Protest requesting that  
6 it be allowed to withdraw as a party. The Motion to Withdraw was granted by Order 02  
7 issued on January 10, 2019.

8 6 Discover has never been nor, to the knowledge of Backcountry, ever attempted to  
9 become a party to these proceedings.

10 **III STATEMENT OF THE ISSUE**

11 6 Should LCRI and Discovery be permitted to submit responses to Bench Request  
12 No. 3 when neither entity is a party to these proceedings?

13 **IV ARGUMENT**

14 7 Neither LCRI or Discover are parties to these proceedings. Bench Request No. 3  
15 was addressed "To All Parties" and nowhere indicated that any person or entity other than  
16 the parties were to respond.

17 8 To allow LCRI and/or Discover to participate in these proceedings in the same  
18 capacity as is Backcountry and the Commission is inequitable and should not be permitted.  
19 It is noted that neither LCRI or Discover responded to Bench Request No. 2 which was  
20 also issued "To All Parties" in the same manner as Bench Request No. 3.

21 9 Whereas Backcountry has borne the cost and expense to comply with each Request  
22 issued to it by the Court, LCRI and Discover are picking and choosing which parts of the  
23 proceedings they wish to participate in and doing so to the detriment of Backcountry. It is  
24 submitted that to allow LCRI and Discover to have the benefit of being permitted to



CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 13th day of March, 2019, the foregoing was delivered to the following persons in the manner indicated:

Hathaway Burden Garvey Schubert Barer, P.C. 1191 Second Avenue, Suite 1800 Seattle, WA 98101-2939	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery – Messenger Service <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:hburden@gsblaw.com">hburden@gsblaw.com</a> <a href="mailto:kmueller@gsblaw.com">kmueller@gsblaw.com</a>
Jeff Roberson Harry Fukano Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Drive SW P.O. Box 40128 Olympia, WA 98504-0128	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery – Messenger Service <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email : <a href="mailto:jeff.roberson@utc.wa.gov">jeff.roberson@utc.wa.gov</a> <a href="mailto:Harry.fukano@utc.wa.gov">Harry.fukano@utc.wa.gov</a>

/s/ Jerei Bargabus  
JEREI BARGABUS