

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

In the Matter of)	
)	DOCKET TS-060061
Application No. B-79418 of)	
)	
SEAN MCNAMARA)	ORDER 01
d/b/a PACIFIC SEA TAXI)	
)	PREHEARING CONFERENCE
For a Certificate of Public)	ORDER
Convenience and Necessity to Operate)	
Vessels in Furnishing Passenger Ferry)	
Service)	
)	
.....)	

1 **PROCEEDINGS:** On January 10, 2006, Sean McNamara, d/b/a Pacific Sea Taxi, filed an application (No. B-079418) for a certificate of public convenience and necessity to operate vessels furnishing passenger-only ferry service between Bellingham and Orcas Island, with flag stops at: Eliza Island, Sinclair Island, Cypress Island, Lopez Island, and Blakely Island. The Commission published Notice of the Application in its weekly docket of February 13, 2006.

2 The Commission has jurisdiction over this matter under RCW Title 81, which authorizes it to regulate persons seeking to furnish commercial ferry service under RCW 81.84 and WAC 480-51. The issues in this proceeding include whether it would be consistent with the public interest for the Commission to grant the authority requested in the Application.

3 Another proceeding, Application No. B-079421 by PACIFIC CRUISES NORTHWEST, INC., d/b/a VICTORIA SAN JUAN CRUISES, is pending before the Commission in Docket TS-060133. The two proceedings are interrelated at least to the extent of having common parties and representation. In addition, the applicant in Docket TS-060133 protests Application No. B-079418 and the applicant in Docket No. TS-060061 protests

Application No. B-079421. The Commission conducted a joint prehearing conference in the two proceedings on March 31, 2006.

4 **PARTY REPRESENTATIVES:** Sean McNamara, who is not an attorney, represents himself, d/b/a Pacific Sea Taxi, as applicant in this proceeding and as protestant in Docket TS-060133. David W. Wiley, Williams Kastner & Gibbs, PLLC, Seattle, Washington, represents Pacific Cruises Northwest, Inc. (Pacific Cruises) as protestant in this proceeding and as the applicant in Docket TS-060133. Mr. Wiley also represents Island Mariner, Inc., another protestant in this proceeding. Michael Fassio, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff. Public Counsel has not appeared in this proceeding.

5 Mark A. Goodman, the owner of San Juan Island Shuttle Express, is an interested person as holder of Certificate No. BC-00120, which Pacific Cruises seeks to acquire in Docket TS-060133 and which may be relevant to the application pending in this proceeding. Mr. Goodman, as the representative of San Juan Island Shuttle Express, is entitled to receive service of all filings made in this docket and all Commission notices and orders.

6 Contact information for service and other purposes is provided in Appendix B to this order.

7 **PETITIONS TO INTERVENE:** There were no petitions to intervene.

8 **DISCOVERY:** The parties will informally exchange information without conducting formal discovery. The Commission urges the parties to work cooperatively together in exchanging information.

9 **PROCEDURAL SCHEDULE:** The Commission establishes the procedural schedule that is attached to this Order as Appendix A, which is incorporated into the body of this Order by this reference.

10 **ALTERNATE DISPUTE RESOLUTION:** The Commission supports the informal settlement of matters before it. If parties need the services of a settlement judge, they should telephone the Director, Administrative Law Division, at 360-664-1142.

- 11 **FILING; COPIES OF MATERIALS:** Parties must submit the original and eight copies of all documents filed. All paper copies of filed documents must be mailed to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission's Records Center at the agency's physical address. Both the post office box and street address are required to expedite deliveries by U.S. Postal Service.
- 12 Paper copies of filed materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched, preferably with *oversized* holes, to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 13 An electronic copy of all filings is required. Electronic copies may be provided by e-mail delivery to <records@wutc.wa.gov>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s).
- 14 The Commission prefers that parties furnish electronic copies of all filings that do not include confidential information and unredacted versions of documents that do include confidential information in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. **Electronic documents that are redacted versions that mask confidential information, should be filed exclusively in "read-only" .pdf format.** Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).

15 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

DATED at Olympia, Washington, and effective March 31, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

**APPENDIX A
JOINT PROCEDURAL SCHEDULE
(Dockets TS-060061 and TS-060133)**

EVENT	DATE	INTERVAL
Application No. B-079418, Docket TS-060061 Filed	January 10, 2006	
Application No. B-079421, Docket TS-060133 Filed	January 20, 2006	
Docketed	February 13, 2006	24 days
Protest Period Expiration	March 15, 2006	30 days
Joint Prehearing Conference	March 31, 2006	16 days
Settlement Conference (Parties Only)	April 6, 2006	6 days
Parties Exchange Witness Lists and Exhibits (via overnight delivery) with copies to the Presiding Officer	May 15, 2006	45 days (after PHC)
Hearing in TS-060133 (Seattle)	May 18, 2006	48 days (after PHC)
Hearing in TS-060061 (Bellingham)	May 19, 2006	49 days (after PHC)
Briefs (if required)	TBD	

APPENDIX B

PARTIES' REPRESENTATIVES

DOCKETS TS-060061 and TS-060133

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Pacific Sea Taxi	Sean McNamara Pacific Sea Taxi 2501 Franklin Street Bellingham, WA 98225	(360) 393-7123	(360) 393-7123 (call first)	sean@pstaxi.com
Pacific Cruises NW	David W. Wiley Williams, Kastner, & Gibbs, PLLC Two Union Square 601 Union Street, Suite 4100 Seattle, WA 98101-2380	(206) 233-2895	(206) 628-6611	DWiley@WKG.com
San Juan Island Shuttle Express	Mark A. Goodman San Juan Island Shuttle Express, Inc. 510 East Myrtle Street Bellingham, WA 98225			sjise@aim.com
Commission Regulatory Staff	Michael Fassio Assistant Attorney General 1400 S. Evergreen Park Dr. S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1192	360-586-5522	mfassio@wutc.wa.gov