

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

DISCOVER LAKE CHELAN, LLC,
d/b/a LAKE CHELAN BOAT
COMPANY,

Petitioner,

Seeking Exemption from the Provisions of
WAC 480-30-326 requiring 30 days' notice to
customers.

DOCKET TS-200279

ORDER 01

GRANTING EXEMPTION FROM
RULE; ALLOWING TARIFF
REVISIONS TO BECOME
EFFECTIVE BY OPERATION OF
LAW

BACKGROUND

- 1 On March 26, 2020, Discover Lake Chelan, LLC, d/b/a Lake Chelan Boat Company, (Lake Chelan Boat Company or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting Less than Statutory Notice (LSN) handling per WAC 480-51-090(6)(e) for revisions to Time Schedule 36. The proposed revisions would extend the suspension of its Sunday Service from March 30 to April 17, 2020.¹ The Company provides commercial ferry service on Lake Chelan.
- 2 WAC 480-51-090(6)(b) requires commercial ferry companies to provide 15 calendar days' notice to customers of any time schedule changes. The Company, however, requests an April 11, 2020, effective date to allow Lake Chelan Boat Company to immediately respond to the rapidly changing conditions customers are facing due to the COVID-19 pandemic.
- 3 In its Petition, Lake Chelan Boat Company asserts that travel restrictions enacted by federal and state governments due to the outbreak of COVID-19 have drastically reduced demand for travel. The Company proposes to temporarily suspend Sunday services until

¹ Although the Company filed its Petition on March 26 and requested an effective date prior to the expiration of the extension granted in Docket TS-200198, due to an internal processing error, the Commission was unable to hear the matter at its March 27, 2020, open meeting. Because this Petition simply extends a previous exemption and the delay in its approval was not due to the Company's actions, the Commission does not regard the Company's continued operations on the schedule approved in Docket TS-200198 between April 1 and April 10 as a violation of the Company's tariff or Commission rules.

April 17, 2020, when it will reevaluate the situation. The Company also states that as ridership has drastically declined in a short period of time, it must cut back its operating expenses in order to continue to provide at least some service to the public.

4 Commission staff (Staff) reviewed the request and agrees with the Company that it is in the public interest to reduce costs by reducing service, ensuring the Company is financially fit to provide service in the future. The Commission previously allowed, in Docket TS-200198, the Company to eliminate the Sunday schedule until March 30, 2020. In this filing the Company is merely requesting an extension of the previous time schedule changes for the same reasons as stated in the previous docket. Therefore, Staff recommends granting Lake Chelan Boat Company's Petition for LSN and allowing the revisions to Time Schedule No. 36 to become effective April 11, 2020.

DISCUSSION

5 We agree with Staff's recommendation and grant Lake Chelan Boat Company's Petition, thereby allowing the tariff revisions filed on March 26, 2020, to become effective April 11, 2020. Pursuant to RCW 80.01.040 and WAC 480-51-090(6)(e), the Commission may grant Less than Statutory Notice handling in the event of an emergency. The Governor's Proclamation 20-05 placed Washington in a state of emergency due to the COVID-19 pandemic, and the more recent Proclamation 20-25 restricts travel except for limited purposes.

6 Here, we find that the Company is making a good faith effort to provide service in accordance with its certificate of convenience and necessity. We also recognize the financial impacts the Company is facing due to severely limited travel during the COVID-19 outbreak. Accordingly, we conclude that allowing the Company to respond to rapidly changing economic conditions by granting its Petition is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

FINDINGS AND CONCLUSIONS

7 (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 commercial ferry companies.

8 (2) Lake Chelan Boat Company is a commercial ferry company and a public service company subject to Commission jurisdiction.

- 9 (3) Lake Chelan Boat Company is subject to WAC 480-51-090, which requires commercial ferry companies to provide 15 calendar days' notice to customers of any time schedule changes.
- 10 (4) Pursuant to RCW 80.01.040 and WAC 480-51-090, the Commission may grant Less than Statutory Notice in the event of an emergency.
- 11 (5) This matter came before the Commission at its regularly scheduled meeting on April 10, 2020.
- 12 (6) Based on the COVID-19 pandemic and resulting state of emergency, the Commission finds good cause to allow the time schedule revisions filed by Lake Chelan Boat Company on March 26, 2020, to become effective with Less than Statutory Notice on April 11, 2020.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The Commission grants Discover Lake Chelan, LLC's Petition for Less than Statutory Notice of the time schedule revisions filed on March 26, 2020.
- 14 (2) The time schedule revisions Discover Lake Chelan, LLC filed on March 26, 2020, will become effective on April 11, 2020.
- 15 (3) The Commission retains jurisdiction over the subject matter and Discover Lake Chelan, LLC to effectuate the provisions of this Order.

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

DATED at Lacey, Washington, and effective April 10, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary