

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

In re Application B-079364 of)	DOCKET TS-050443
)	
FEET WET PARTNERS, LLC., d/b/a)	ORDER 03
SARATOGA SHUTTLE)	
)	
For a Certificate of Public)	INITIAL ORDER GRANTING LEAVE
Convenience and Necessity to Provide)	TO WITHDRAW AND DISMISSING
Commercial Ferry Service.)	APPLICATION
)	
.....)	

BACKGROUND

- 1 On March 21, 2005, Feet Wet Partners, LLC,¹ d/b/a Saratoga Shuttle (Feet Wet or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application for a commercial ferry certificate to provide passenger and freight-only service between Oak Harbor and Coupeville, Coupeville and Madrona Beach on Camano Island, Oak Harbor and Mukilteo, Washington, and intermediate points on those routes.

- 2 The procedure by which the Commission evaluates commercial ferry applications was amended during the 2005 legislative session. The Commission may now issue a commercial ferry certificate without holding a hearing, as long as the Commission provides proper notice of the application and an opportunity for hearing.

- 3 On June 30, 2005, the Commission convened a prehearing conference at Olympia, Washington, before Administrative Law Judge Karen M. Caillé.

¹ On August 15, 2005, the Applicant filed a Motion to amend the application to read “Feet Wet Partners, LLC, d/b/a Saratoga Shuttle”.

4 On September 29, 2005, the Commission entered Order 02—Final Order Granting Motion to Amend Application and Granting Application for Certificate of Public Convenience and Necessity. Under RCW 81.84.010(2), a passenger-ferry certificate holder need not be operationally ready to provide service at the time the certificate is granted, but may take up to 20 months before initiating service. The Order conditioned issuing the certificate on Feet Wet submitting progress reports every six months and filing an acceptable tariff, time schedule, proof of insurance, and copy of the Coast Guard inspection certification for each vessel to be used under the authority granted. The Applicants have submitted timely progress reports, but have not yet filed the necessary documents for issuance of a certificate.

5 **WITHDRAWAL OF APPLICATION.** On May 29, 2007, John Solin and Mike Lauver, on behalf of Feet Wet, filed a letter with the Commission withdrawing their application for passenger ferry service in Docket TS-050443. The applicants state, among other reasons, that they are unable to develop and implement service within the 20-month time period under RCW 81.84.010(2).

6 On June 5, 2007, Staff responded to the Applicants' May 29, 2007, letter by clarifying the Applicant's intentions and by stating that the Commission will treat its letter as a request for a Commission order dismissing the application.

7 Under WAC 480-07-380(3), a party must seek permission from the Commission to withdraw when the Commission has issued a hearing notice or begun an adjudication, as in this case. The Commission will grant a motion to withdraw when withdrawal is in the public interest. Where the Applicants assert they are not able to begin operations within the 20-month period established in RCW 81.84.010(2), it is reasonable and in the public interest to grant the Applicants' request. The Applicants should be relieved of the obligation to comply with Order 02 in this proceeding.

ORDER

8 **THE COMMISSION ORDERS That** the request of Feet Wet Partners, LLC, d/b/a Saratoga Shuttle, to withdraw and dismiss its application for a certificate of public convenience and necessity to operate commercial passenger-only ferry service between Oak Harbor and Coupeville, Coupeville and Madrona Beach on Camano

Island, and Oak Harbor and Mukilteo, Washington, and intermediate points on those routes is granted without prejudice.

DATED at Olympia, Washington, and effective June 14, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

NOTICE TO THE PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3), as amended in the 2006 legislative session, provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion. You will be notified if this order becomes final.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and three (3) copies of any Petition or Answer must be filed by mail delivery to:

Attn: Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
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