

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

Application of)	DOCKET TS-091610
)	
Paraclete Charter Service, Inc.)	ORDER 01
)	
For a Certificate of Public)	ORDER DISMISSING
Convenience and Necessity to)	APPLICATION
provide Commercial Ferry Service.)	
)	
.....)	

BACKGROUND

- 1 On October 7, 2009, Paraclete Charter Service, Inc. (Paraclete or Company) filed an application (Application) with the Washington Utilities and Transportation Commission (Commission) for a certificate to operate as a commercial ferry. In the Application, Paraclete seeks to serve “throughout San Juan, Skagit, Whatcom, and Island Counties.” In its proposed tariff, Paraclete describes its passenger service as “taxi service.”
- 2 Paraclete proposes to offer the service on a reservation-only basis, with the origin and destination points varying day to day. The Application states that “The list of islands or stops is not inclusive, they are meant as a guide line only.” Although Paraclete’s proposed tariff lists rates from and between four “zones” consisting of various named islands, there are no limitations as to the number of points to be served. According to information contained in the Application, Paraclete would pick up a passenger at a private dock, for example, for transportation to Anacortes or another island.

DISCUSSION

- 3 Paraclete proposes to serve the area known as the San Juan Islands. The San Juan Islands present an unusual topography in which the landscape is dotted with several large islands, and numerous, much smaller islands. The unique features of this area present challenges in applying the Commission’s commercial ferry statutes. For example, among other things, the scope of Commission jurisdiction over commercial ferry service is limited to service “between fixed termini or over a regular route.” RCW 81.84.010(1).

- 4 It is apparent from the Application that Paraclete proposes to offer irregular route service, i.e., on call, anytime, anywhere, for-hire service. The proposed service is not “over a regular route,” because the service varies daily in regard to the points served. In other words, the route changes daily based on customer demand. The proposed service is not “between fixed termini” because the number of points Paraclete proposes to serve is limited only by the large number of docks and other landing places practically available. For example, a map Paraclete attached to the Application shows that Paraclete has provided service to (and thus Paraclete prospectively will hold itself out to serve) over 100 separate service points, involving many different islands.
- 5 Given these diverse, geographically dispersed and large number of service locations, it is not reasonable for the Commission to consider all of the islands collectively as a “fixed terminus” or a handful of “fixed termini.” Consequently, the proposed service does not qualify as “between fixed termini.”
- 6 In sum, because the proposed service is not “between fixed termini” or “over a regular route,” the Application does not define a service which requires a commercial ferry certificate from the Commission. However, this conclusion is subject to change if Paraclete’s service is not a bona fide on call, anytime, anywhere, for-hire service. In that case, the Commission will consider various factors, such as if Paraclete’s service is regular, scheduled or fixed between specific points for significant periods of time. As we have noted, these factors are not exclusive.

ORDER

THE COMMISSION ORDERS:

- 7 Based on the foregoing discussion, the Commission dismisses the Application filed by Paraclete Charter Service, Inc. in this docket on October 7, 2009, and closes this docket.

DATED at Olympia, Washington, and effective July 23, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner