

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the matter of the Joint Application to	)	DOCKET TS-120446
transfer a portion of rights in Certificate	)	
BC-10 from:	)	ORDER 01
	)	
	)	GRANTING APPLICATION
PACIFIC CRUISES NORTHWEST, INC.,	)	
d/b/a VICTORIA SAN JUAN CRUISES	)	and
	)	
to:	)	AMENDING CERTIFICATE BC-10
	)	AND ISSUING A NEW
SEAN MCNAMARA, d/b/a	)	COMMERCIAL FERRY SERVICE
BELLINGHAM WATER TAXI	)	CERTIFICATE
.....	)	

**BACKGROUND**

- 1 On April 3, 2012, Sean McNamara, d/b/a Bellingham Water Taxi (Bellingham Water Taxi), and Pacific Cruises Northwest, Inc., d/b/a Victoria San Juan Cruises (Pacific Cruises), filed with the Washington Utilities and Transportation Commission (Commission) a joint application to transfer a portion of rights under Certificate BC-10 from Pacific Cruises to Bellingham Water Taxi.
  
- 2 Certificate BC-10 stands in the name of Pacific Cruises and authorizes commercial ferry service between Bellingham and Friday Harbor and Bellingham and Obstruction Pass including flag stops to Orcas Landing and Brandt's Landing on Orcas Island, Eliza, Sinclair, Blakely, and Lopez Islands.
  
- 3 The joint application proposes that Pacific Cruises will provide commercial ferry service between Bellingham and Friday Harbor and sell to Bellingham Water Taxi the portion of its Certificate BC-10 to provide commercial ferry service between Bellingham and Obstruction Pass including flag stops at Orcas Landing and Brandt's Landing on Orcas Island, Eliza, Sinclair, Blakely, and Lopez Islands.
  
- 4 Pacific Cruises and Bellingham Water Taxi have filed proposed tariffs and time schedules to implement the proposed transfer upon Commission approval. Staff has reviewed the proposed tariffs and time schedules and concluded that they would accurately implement the proposed transfer.

5 The joint application was published in the Commission's Docket on April 9, 2012, for 30 days. The application was not protested by any other commercial ferry company.

### FINDINGS AND CONCLUSIONS

- 6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including commercial ferry companies. RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.08, RCW 81.12, RCW 81.16 and RCW 81.84.
- 7 (2) Pacific Cruises, BC-10, is engaged in the business of providing commercial ferry service within the state of Washington as a public service company, and is subject to Commission jurisdiction.
- 8 (3) RCW 81.84.020, Application — Hearing — Issuance of certificate — Determining factors, requires the applicant to demonstrate it has the financial resources to operate the proposed service for at least 12 months. Commission Staff has reviewed the Bellingham Water Taxi's financial information and concluded that the Company has the financial resources to operate the proposed service for at least 12 months.
- 9 (4) Pacific Cruises and Bellingham Water Taxi have filed proposed tariffs and time schedules to implement the proposed transfer upon Commission approval. Staff has reviewed the proposed tariffs and time schedules and concluded that they would accurately implement the proposed transfer.
- 10 (5) Bellingham Water Taxi is a new commercial ferry company that is required to file progress reports and to initiate commercial ferry service within 20 months of obtaining a certificate by the Commission pursuant to RCW 81.84.010, Certificate of convenience and necessity required — Recreation exemption — Service initiation — Progress reports.
- 11 (6) The Commission, having considered the joint application and being fully advised finds that Pacific Cruises is able and willing to furnish all services necessary

under Certificate BC-10 and that the requested sale and transfer of a portion of the rights under that Certificate to Bellingham Water Taxi is in the public interest.

- 12 (7) This matter came before the Commission at its regularly scheduled open meeting on May 31, 2012.

**ORDER**

**THE COMMISSION ORDERS:**

- 13 (1) The application filed in Docket TS-120446 to transfer a portion of rights in the state of Washington from Pacific Cruises Northwest, Inc., d/b/a Victoria San Juan Cruises, to Sean McNamara, d/b/a Bellingham Water Taxi, is granted.
- 14 (2) Commercial ferry service Certificate BC-10 is reissued to Pacific Cruises Northwest, Inc., d/b/a Victoria San Juan Cruises, as per attached Appendix A.
- 15 (3) A new commercial ferry service certificate is issued to Sean McNamara, d/b/a Bellingham Water Taxi, as per attached Appendix B.
- 16 (4) Granting authority for the transfer of a portion of rights under Certificate BC-10 does not necessarily approve the amount involved in the transaction, nor does it bind the Commission to recognize the amount in placing a value for rate-making purposes on the property of the Certificate holder.
- 17 (5) Tariff No. 16 and Time Schedule No. 3 for Pacific Cruises Northwest, Inc., d/b/a Victoria San Juan Cruises, shall be cancelled effective at 12:01 a.m. on the day following the service date of this Order.
- 18 (6) Tariff No. 17 and Time Schedule No. 4 for Pacific Cruises Northwest, Inc., d/b/a Victoria San Juan Cruises, shall become effective at 12:01 a.m. on the day following the service date of this Order.
- 19 (7) Tariff No. 1 and Time Schedule No. 1 for Sean McNamara, d/b/a Bellingham Water Taxi, shall become effective at 12:01 a.m. on the day following the service date of this Order.

- 20 (8) Sean McNamara, d/b/a Bellingham Water Taxi, must initiate commercial ferry service within 20 months of obtaining this certificate.
- 21 (9) Sean McNamara, d/b/a Bellingham Water Taxi, must file progress reports to the Commission every six months after this certificate is granted. The progress reports shall include, but not be limited to, the progress of obtaining a boat, the anticipated timeframe to begin providing commercial ferry service and any other pertinent issues affecting initiating commercial ferry service.
- 22 (10) The Commission will cancel Sean McNamara, d/b/a Bellingham Water Taxi's commercial ferry certificate should it not initiate service within 20 months of this Order or fail to file the progress reports every six months as required by this Order pursuant to RCW 81.84.60, Certificate — Grounds for cancellation, revocation, suspension, alteration, or amendment.

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

DATED at Olympia, Washington, and effective May 31, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

**APPENDIX A**

Pacific Cruises Northwest, Inc.  
d/b/a Victoria/San Juan Cruises,  
Victoria/San Juan Cruises & Bellingham Bay Tours,  
Victoria San Juan Cruises  
355 Harris Ave Ste 104  
Bellingham, WA 98225

Cert No.  
BC-00010

**PASSENGER SIGHTSEEING CRUISES**

Between: North Bellingham (Squalicum Harbor) and South Bellingham (Bellingham Cruise Terminal), point to point, with a flag stop at Boulevard Park Dock.

**PASSENGER AND FREIGHT SERVICE**

Between Bellingham and Friday Harbor.

**APPENDIX B**

McNamara, Sean  
d/b/a Bellingham Water Taxi  
PO Box 1528  
Haines, AK 99827

Cert No.  
BC-64619

**PASSENGER AND FREIGHT SERVICE**

Between: Bellingham and Obstruction Pass.

In conjunction with the above authority, flag stops at Orcas Landing and Brandt's Landing on Orcas Island, Eliza, Sinclair, Blakely, and Lopez Islands.

Excluding freight service between Orcas Island - San Juan Island, Orcas Island - Lopez Island, and Lopez Island - San Juan Island.

Pursuant to RCW 47.60.120 (3), waiver of the ten-mile restriction is granted.

TS-120446

05-31-12