

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of	)	DOCKET TS-121253 ( <i>Consolidated</i> )
	)	
MCNAMARA, SEAN d/b/a	)	ORDER 01
BELLINGHAM WATER TAXI	)	
	)	PREHEARING CONFERENCE
For Extension of Authority Under	)	ORDER
Certificate BC-64619	)	<b>(Hearing Set for January 31, 2013,</b>
	)	<b>at 9:30 a.m.)</b>
.....	)	
In the Matter of the Application of	)	DOCKET TS-121395 ( <i>Consolidated</i> )
	)	
PACIFIC CRUISES NORTHWEST,	)	ORDER 01
INC. d/b/a SAN JUAN CRUISES	)	
	)	PREHEARING CONFERENCE
For a Certificate of Public Convenience	)	ORDER
and Necessity to Operate Vessels in	)	<b>(Hearing Set for January 31, 2013,</b>
Furnishing Passenger Ferry Service	)	<b>at 9:30 a.m.)</b>
.....	)	

1 **NATURE OF PROCEEDINGS.** These proceedings arise out of overlapping applications to operate vessels in furnishing passenger ferry service between Bellingham and Friday Harbor filed with the Washington Utilities and Transportation Commission (Commission) by Sean McNamara d/b/a Bellingham Water Taxi (Bellingham Water Taxi)<sup>1</sup> and Pacific Cruises Northwest, Inc. d/b/a San Juan Cruises (San Juan Cruises)<sup>2</sup>. The Commission consolidated the applications for joint consideration pursuant to Washington Administrative Code (WAC) 480-51-040(3).

2 **PROTESTS.** San Juan Cruises protested the application filed by Bellingham Water Taxi. In turn, Bellingham Water Taxi protested the application filed by San Juan Cruises. Island Mariner Cruises, Inc. (Island Mariner Cruises) protested both applications.

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<sup>1</sup> Bellingham Water Taxi filed its application on July 30, 2012, in Docket TS-121253, seeking to extend its current authority held under Certificate BC-64619 to include passenger and freight service between Bellingham and Friday Harbor, with flag stops at Vendovi and Cypress Islands.

<sup>2</sup> San Juan Cruises filed its application on August 24, 2012, in Docket TS-121395, seeking a new certificate of public convenience and necessity to operate vessels in furnishing passenger-only ferry service between Bellingham and Friday Harbor.

3 **CONFERENCE.** The Washington Utilities and Transportation Commission  
(Commission) convened a prehearing conference in this docket at Olympia,  
Washington, on Tuesday, November 6, 2012, before Administrative Law Judge Adam  
E. Torem.

4 **APPEARANCES.** Sean McNamara, Bellingham, WA, represents Bellingham Water  
Taxi. Drew Schmidt, Bellingham, WA, represents San Juan Cruises. Terry Buzzard,  
Bellingham, WA, represents Island Mariner Cruises. Michael Fassio, Assistant  
Attorney General, Olympia, WA, represents the Commission's regulatory staff  
(Staff).<sup>3</sup> Contact information for the parties' representatives is attached to this order  
as Appendix A.

5 **PETITIONS FOR INTERVENTION.** The Commission did not receive any  
petitions to intervene in this matter.

6 **DISCOVERY.** It does not appear that formal discovery will be required in this  
proceeding. If the need for discovery becomes apparent later, any party may request  
by motion that the Commission allow for discovery pursuant to the Commission's  
discovery rules, WAC 480-07-400 – 425.

7 **PROCEDURAL SCHEDULE.** The parties agreed on, and the Commission adopts,  
the following procedural schedule:

Friday, December 21, 2012	All parties file witness lists, exhibit lists, and copies of their proposed exhibits.
Wednesday, January 16, 2013	All parties file supplemental / responsive witness lists, exhibit lists, and copies of any proposed additional exhibits.
Thursday, January 31, 2013	Evidentiary Hearing (begin at 9:30 a.m.)
Friday, February 1, 2013	Evidentiary Hearing ( <i>if necessary</i> )

The procedural schedule is included in this Order as Appendix B.

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<sup>3</sup> In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

8 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter commencing on **Thursday, January 31, 2013, at 9:30 a.m.**, in the Commission's Headquarters, Room 108, First Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.<sup>4</sup> As necessary, the hearing will continue and be completed on Friday, February 1, 2013.

9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an **original plus 6 copies** of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

10 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

11 An electronic copy of all filings must be provided through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to <records@utc.wa.gov >. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

12 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus 6 paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal ([www.utc.wa.gov/efiling](http://www.utc.wa.gov/efiling)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov). Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge as well as to the parties to the proceeding.

13 Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format,

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<sup>4</sup> The Commission's Hearing Room (Room 206) may become available for the afternoon of January 31, 2013, and for the following day. If so, the parties will be offered the option to move the hearing to the larger facility within the Commission's headquarters.

supplemented by a separate file in either .doc (MS Word), .wpd (WordPerfect), .xls (Excel), or .ppt (Power Point) format, as appropriate to the individual document.

- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited resources but can provide dispute resolution services in some cases, if requested. If the parties wish to explore those services, they should contact Administrative Law Judge Greg Kopta, Director, Administrative Law Division, at 360-664-1355.
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective November 6, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKETS TS-121253 & TS-121395**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
Bellingham Water Taxi	Sean McNamara d/b/a Bellingham Water Taxi 1028 17 <sup>th</sup> Street Bellingham, WA 98225	360-393-5753	360-752-5726	<a href="mailto:bellinghamwatertaxi@gmail.com">bellinghamwatertaxi@gmail.com</a>
San Juan Cruises	Drew Schmidt President Pacific Cruises Northwest, Inc. 355 Harris Avenue, Suite 104 Bellingham, WA 98225	360-738-8099	360-738-7685	<a href="mailto:drew@whales.com">drew@whales.com</a>
Island Mariner Cruises	Terry Buzzard Island Mariner Cruises, Inc. 2621 South Harbor Loop Bellingham, WA 98225	360-734-8866		<a href="mailto:mariner@orcawatch.com">mariner@orcawatch.com</a>
Commission Staff	Michael Fassio Assistant Attorney General 1400 S. Evergreen Park Drive SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1192	360-586-5522	<a href="mailto:mfassio@utc.wa.gov">mfassio@utc.wa.gov</a>
Administrative Law Judge	Adam E. Torem Administrative Law Judge 1300 S. Evergreen Park Drive SW P.O. Box 47250 Olympia, WA 98504-7250	360-661-1138	360-664-2654	<a href="mailto:atorem@utc.wa.gov">atorem@utc.wa.gov</a>

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKETS TS-121253 & TS-121395**

<u>EVENT</u>	<u>DATE</u>
Prehearing Conference	Tuesday, November 6, 2012
All Parties – Witness & Exhibit Lists <i>(to include filing of actual exhibits)</i>	Friday, December 21, 2012
All Parties – Supplemental / Responsive Witness & Exhibits Lists <i>(to include filing of actual exhibits)</i>	Wednesday, January 16, 2013
Evidentiary Hearing	Thursday, January 31, 2013 and Friday, February 1, 2013 <i>(if needed)</i>