

BELLINGHAM WATER TAXI

1028 17th Street
Bellingham, Washington
98225

T 360.393.5753
bellinghamwatertaxi@gmail.com

November 6, 2012

David Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
Attention: Judge Adam Torem, License services, and Penny Ingram
PO Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, Wa 98504-7250

Re: *Incomplete application of Pacific Cruises Northwest Docket 121395, and late filing of protest from Island Mariner Cruises Inc.*

Dear Mr. Danner,

A pre hearing conference was held November 5, 2012 with the two companies listed above and Bellingham Water Taxi. I had several issues to discuss; however, I was under the impression the pre hearing was not the proper time. I wish to bring these issues to light as they appear inconsistent with the commission's rules.

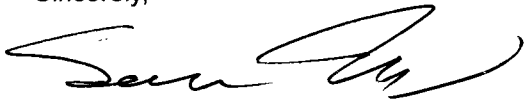
Pacific Cruises Northwest filed an application for new commercial ferry service TS-121395 on August 24, 2012. This application was incomplete, as there was no shipper support statement included, nor did the company file one within the 30 days. Having filed several applications myself, I have always been advised by the commission it must contain a support statement or it would be denied. This application should have been denied.

Island Mariner Cruises filed a protest against Pacific Cruises Northwest TS-121395 and Bellingham Water Taxi TS-121253 on September 17, 2012. This protest was filed within the 30 day protest period for Pacific Cruises NW. However, Bellingham Water Taxi's 30 day protest period ended on September 1, 2012. Therefore, Island Mariners protest against Bellingham Water Taxi should not be valid as it was filed over two weeks late.

RECEIVED
GENERAL MANAGEMENT
2012 NOV -8 AM 9:25
STATE OF WASHINGTON
UTIL. AND TRANSPORTATION
COMMISSION

These cases have all been consolidated with a hearing date set for January 31. I ask the commission to review the above issues as they are not consistent with the WAC rules. I believe these cases should not be consolidated, as Pacific Cruises did not follow the commission's guidelines for a new application, and the application should be denied. Consequently, there should be no protest filed against Bellingham Water Taxi from either company, as one is an incomplete application and the other was filed over two weeks late. Bellingham Water Taxi's application for an extension of service should move forward uncontested. Attached are the commission's rules that I referred to. Thank you for your consideration in this matter. Please let me know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean McNamara", with a stylized flourish at the end.

Sean McNamara

IMPORTANT!!!

PLEASE READ THIS NOTICE AND FOLLOW INSTRUCTIONS SO YOUR APPLICATION MAY BE PROCESSED

Washington law allows the Washington Utilities and Transportation Commission (WUTC) to grant operating authority only when it is required by the present or future public convenience and necessity. Even though your application is not protested, **you need one or more statements from persons proving that your services are needed, otherwise your application will be denied.**

When the form is completed by a person supporting your application, send it to the WUTC at the address below. If you desire, a hearing can be scheduled for your witness to appear in support of your application.

Support statements should reach the WUTC **WITHIN 30 DAYS** or the APPLICATION MAY BE DISMISSED. We also suggest that you keep a copy of each statement.

If you have questions or need additional assistance, contact Licensing Services (360) 664-1222.

WAC 480-51-040

Notice of application — Protests — Contemporaneous applications.

(1) The commission shall send a notice of each application for certificated commercial ferry service and each application to operate vessels providing excursion service, with a description of the terms of that application, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. *Interested persons may file a protest with the commission within thirty days after service of the notice.* The protest shall state the specific grounds for opposing the application and contain a concise statement of the interest of the protestant in the proceeding. A person who is eligible to file a protest and fails to do so may not participate further in the proceeding in any way, unless it can be demonstrated that failure to file a protest was due to an omission by the commission in providing proper notification of the pending application.