

July 16, 2015

72430.0100

VIA E-MAIL AND U.S. MAIL

Steven King  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
PO Box 47250  
1300 S. Evergreen Park Dr. SW  
Olympia, WA 98504-7250

Re: In re the Matter of the Petition of James and Clifford Courtney for Declaratory Order on the Applicability of RCW 81.84.010 and WAC 480-51-025; Docket TS-151359

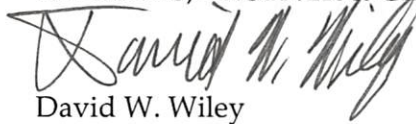
Dear Mr. King:

On behalf of Arrow Launch Service, Inc., BC-97, this is to briefly respond to the extensive Petition for Declaratory Order filed on behalf of James and Clifford Courtney on July 1, 2015. Arrow Launch Service, Inc. ("Arrow"), as a commercial ferry company and holder of BC-97, has previously weighed in on the Petition for Declaratory Order unsuccessfully filed by the Courtney's in October 2014. The new Petition describes a set of more circumscribed factors for the Commission's consideration. The Declaratory Order sought by the Courtneys under RCW 34.05.240 presents a matter of law for the Commission and affected stakeholders to develop. While Arrow does not operate service on Lake Chelan, as a regulated commercial ferry certificate holder, it does have a direct stake in any interpretation of the governing law by the Commission which might have the effect of broadening statutory or regulatory exemptions for commercial ferry certificate operations. The Commission should thus proceed cautiously here, recognizing that a prospective certificate application under RCW 81.84 could address all of the substantive legal issues raised by the Petitioner, including findings of fact and conclusions of law determining whether a certificate is necessary for the applied-for territory under the particular facts and circumstances raised by the application record.

Arrow thus perceives some procedural hazards in the approach maintained by the Petitioner in seeking a Declaratory Order Petition in lieu of applying for a certificate where the factual and legal necessity for the certificate could be tested on a complete evidentiary record with participation by all affected stakeholders.

Sincerely,

WILLIAMS, KASTNER & GIBBS PLLC



David W. Wiley

[dwiley@williamskastner.com](mailto:dwiley@williamskastner.com)