

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TS-151742
)	
LAKE CHELAN)	ORDER 01
RECREATIONAL, INC.,)	
)	
Petitioner,)	
)	
Relating to Discontinuance of)	
Commercial Ferry Service)	ORDER GRANTING LESS THAN
Authorized by Certificate of)	STATUTORY NOTICE AND A
Convenience and Necessity No. BC-)	TEMPORARY
34)	DISCONTINUANCE OF SERVICE
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BACKGROUND

- 1 On August 25, 2015, Lake Chelan Recreational, Inc. (Lake Chelan Boat Company or Company), [BC-34], filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting the Commission grant Less than Statutory Notice of a temporary discontinuance of service authorized under Lake Chelan Boat Company’s certificate of public convenience and necessity.
- 2 Lake Chelan Boat Company commercial ferry service uses two commercial ferry boats. The Lady of the Lake II, with a capacity of 285 customers, and the Lady Express, with a capacity of 150 customers. Lady of the Lake II provides commercial ferry service beginning May 1 through October 15, whereas the Lady Express operates Memorial Day weekend, June 15 through September 15, and from October 16 to April 30.
- 3 Lake Chelan Boat Company states in its petition that due to extreme fire and smoke conditions around the Lake Chelan area, ridership has been adversely affected resulting in very low passenger counts. Accordingly, the Company requests Less than Statutory Notice to discontinue the scheduled run for the Lady Express effective August 28, 2015; however, the company agrees to exclude the Labor Day holiday weekend from the requested discontinuance, beginning September 4, 2015, through and including September 7, 2015. The Lake Chelan Boat Company plans to continue to operate The Lady of the Lake II under its normal time schedule.

- 4 Should the fires and smoke conditions improve and ridership return to prior levels, the Company will return to its normal time schedule under WAC 480-51-090(6)(b).¹
- 5 To allow Regulatory Services Staff to monitor how many customers are traveling to each point along the Company's route for each boat, Lake Chelan Boat Company will, on a daily basis, send customer counts by email to appropriate Regulatory Services Staff until September 15, 2015.
- 6 Under WAC 480-149-120 (3), in cases of actual emergency, or when real merit is shown, the Commission may, in its discretion, permit commercial ferry tariffs to become effective on less than the notice and publication time periods specified in statute or this section. Application for such authority must be on a form supplied by the Commission.
- 7 The Company indicated that it is losing significant revenue in excess of \$60,000 for the first three weeks of August. The Company stated that it made the decision to discontinue operation of one of its boats based on financial pressures and its customers' needs. Staff agrees with the Company that this is not a normal operating season given the extensive dangerous fire storms and air quality issues due to the abundance of smoke in the Lake Chelan area. Commission Staff reviewed the petition and recommends that Lake Chelan Boat Company's petition be granted, as revised on August 27, 2015.

FINDINGS AND CONCLUSIONS

- 8 (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.

¹ "If the sole change accomplished by a new time schedule is to increase the number of runs on an established route currently operated, and no change is otherwise made in existing schedules, the filing must be made with the Commission not less than one full day before the effective date and advance notice to the public will not be required."

- 9 (2) Lake Chelan Boat Company, [BC-34], 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.
- 10 (3) Under WAC 480-149-120 (3), in cases of actual emergency, or when real merit is shown, the Commission may, in its discretion, permit commercial ferry tariffs to become effective on less than the notice and publication time periods specified in statute or this section. Application for such authority must be on a form supplied by the Commission.
- 11 (4) Under WAC 480-51-130, a commercial ferry company must request approval from the Commission to discontinue some or all of its operations. The company must provide 15 days' notice to the Commission and the public before the effective date of the discontinuance. The Commission shall not grant a discontinuance of service for a period longer than twelve months.
- 12 (5) This matter came before the Commission at its regularly scheduled open meeting on August 27, 2015.
- 13 (6) The petition Lake Chelan Boat Company refiled on August 27, 2105, should be granted, authorizing Lake Chelan Boat Company to temporarily discontinue service of the Lady Express from August 28, 2015, returning to service over the Labor Day holiday weekend beginning September 4, 2015, through and including September 7, 2015.

O R D E R

THE COMMISSION ORDERS:

- 14 (1) The petition filed by Lake Chelan Recreational, Inc., as revised on August 27, 2015, requesting permission for Less than Statutory Notice to temporarily discontinue service authorized by certificate of public convenience and necessity BC-34 is granted.
- 15 (2) The temporary discontinuance is effective from August 28, 2015; however Lake Chelan Recreational, Inc., must provide commercial ferry service over the Labor Day holiday weekend beginning September 4, 2015, through and including September 7, 2015, using both the Lady of the Lake II and the Lady Express.

- 16 (3) Lake Chelan Recreational, Inc., must provide Regulatory Staff daily updates of passenger counts for each boat until September 15, 2015.

DATED at Olympia, Washington, and effective August 27, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

PHILIP B. JONES, Commissioner

ANN E. RENDAHL, Commissioner