

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Applications of	)	
	)	
Dutchman Marine, LLC d/b/a Lake	)	DOCKET NO. TS-001774
Washington Ferry Service, for	)	(consolidated)
Authority to Provide Commercial	)	
Ferry Service;	)	
	)	
Seattle Ferry Service, LLC, for	)	DOCKET NO. TS-002054
Authority to Provide Commercial	)	(consolidated)
Ferry Service; and	)	
	)	
Seattle Harbor Tours Limited	)	DOCKET NO. TS-002055
Partnership, for Authority to Provide	)	(consolidated)
Commercial Ferry Service;	)	
	)	
	)	PREHEARING CONFERENCE
	)	ORDER; NOTICE OF HEARING
	)	(June 11 through June 15, 2001)
	)	
.....	)	

*1*     **PREHEARING CONFERENCE:** The Commission convened a prehearing conference in Docket Nos. TS-001774, TS-002054, and TS-002055 in Olympia, Washington, on March 7, 2001, before Administrative Law Judge Dennis J. Moss and Administrative Law Judge William E. Hendricks. This matter involves three applications for authority to provide commercial passenger ferry service (Applications) on Lake Washington.

*2*     **CONSOLIDATION:** The Applications are for authority that overlaps, in part. Dutchman Marine, LLC d/b/a Lake Washington Ferry Service (Dutchman Marine) filed its application on October 15, 2000, in which it requests authority to provide service between Bellevue and Seattle, Seattle and Kirkland, Renton and Seattle, and Kenmore and Seattle. The Commission provided notice of Dutchman Marine’s application on November 20, 2000. Seattle Harbor Tours Limited Partnership (Seattle Harbor Tours) filed its application on December 15, 2000, in which it requests authority to provide service between Kenmore, Bellevue, Renton, and the University of Washington. Seattle Ferry Service, LLC (Seattle Ferry Service) filed its application on December 18, 2000, in which it requests authority to provide service between Renton and Seattle.

3 The Applications involve common issues of fact and law, including requests to serve  
overlapping territories; were filed within the time period set out in WAC 480-51-040;  
and otherwise raise related issues. The Commission, therefore, considered at the  
prehearing conference whether the Applications should be consolidated. Following  
discussion by the parties, the Commission determined the three dockets should be  
consolidated.

4 **PETITIONS TO INTERVENE:** The City of Seattle, the City of Bellevue, and  
Dutchman Marine filed various petitions to intervene in these proceedings.  
Following argument, the Commission granted those petitions in accordance with  
WAC 480-09-430.

5 **PARTIES:** John M. Hugg, attorney, Seattle, represents Dutchman Marine. David  
W. Wiley, attorney, Seattle, represents Seattle Ferry Service. Gregory J. Kopta,  
attorney, Seattle, represents Seattle Harbor Tours. Mark H. Sidran, Assistant City  
Attorney, represents the City of Seattle. Siona Windser, Assistant City Attorney,  
Bellevue, represents the City of Bellevue. Sally Johnston, Assistant Attorney  
General, Olympia, Washington, represents the Commission's regulatory staff (Staff).

6 **PROCESS AND PROCEDURAL SCHEDULE; NOTICE OF HEARING:**  
Following discussion with the parties, the Commission determines that it should  
convene an evidentiary hearing on June 11, 2001 and continue from day-to-day until  
the record is complete. The Parties anticipate the hearing may require five business  
days, through June 15, 2001. **The Commission gives notice that it will convene the  
requested evidentiary hearing on June 11, 2001, beginning at 9:30 a.m. in 24<sup>th</sup>  
Floor Training Room, Bank of California Building, 900 4<sup>th</sup> Avenue, Seattle,  
Washington.**

7 **NOTICE OF PREHEARING CONFERENCE:** The Commission will hold a  
second prehearing conference to exchange witness lists, proposed exhibits, to discuss  
the order of presentation of witnesses, and to conduct such other business as will  
improve the efficiency of the hearing. **The Commission gives notice that it will  
convene the second prehearing conference on June 7, 2001, beginning at 9:30  
a.m., in Room 213, Chandler Plaza, 1300 S. Evergreen Park Drive S.W.,  
Olympia, Washington,** unless changed by the Secretary or the presiding officers.

8 The Commission requires that Parties who intend to present evidence have a  
representative present for the second prehearing conference and encourages all Parties  
to attend the prehearing conference in person. If a Party is unable to attend the  
prehearing conference in person, the Commission's teleconference bridge line will be  
available on a first-come, first-served basis. Please contact Nancy Moen at 360-664-  
1140 to request this service. Due to the limited number of conference ports available,

service will be limited to the first eleven people requesting this service. Additional procedural dates and requirements for this matter may be established by subsequent notice or order.

9 **LEGAL ISSUES TO BE CONSIDERED:** The legal issues and certain mixed questions of law and fact to be considered include, but are not necessarily limited to, the following:

- Whether the public convenience and necessity require the proposed services;
- Whether any company is fit to provide the proposed services;
- Whether a waiver of the 10-mile restriction is required for the proposed service and, if so, whether the Commission should grant a waiver.

10 **FILING; COPIES OF MATERIALS:** All filings should be directed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or by hand delivery to the Commission Secretary at the Commission's records center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by U.S. Postal Service. An original plus nineteen (11) copies of all pleadings, motions, briefs, and other prefiled materials must be filed with the Commission.

11 Parties must furnish separately a 3.5 inch IBM formatted high-density diskette including the filed document(s) in .pdf format, MS Word 97 (or later), or WordPerfect 5.1 (or later) format. In lieu of a 3.5 inch diskette of the filed documents, the parties may send an electronic copy via e-mail attachment to: [records@wutc.wa.gov](mailto:records@wutc.wa.gov).

12 **ALTERNATIVE DISPUTE RESOLUTION; SETTLEMENT:** The Parties' attention is directed to WAC 480-09-465, "Alternative dispute resolution," and WAC 480-09-466, "Settlement conferences." The Commission urges all parties to formal adjudications to include alternative methods to bring resolution to contested issues.

13 The Commission notes that the Parties have agreed to a settlement conference with the assistance of a Commission appointed Settlement Judge, to be held at 1:00 p.m. on April 16, 2001. We encourage the Parties to take full advantage of this opportunity to resolve the issues to their mutual benefit, with an eye to protecting the broader public interest. The Commission will appoint an Administrative Law Judge and notify the parties of the appointment, and the location of the settlement conference.

14

**NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

DATED at Olympia, Washington, and effective this \_\_\_\_ day of March 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Dennis J. Moss  
Administrative Law Judge

William E. Hendricks  
Administrative Law Judge