

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of)	DOCKET TS-111927
)	
SEAN MCNAMARA d/b/a)	
BELLINGHAM WATER TAXI)	
)	NOTICE OF PREHEARING
For a Certificate of Public Convenience)	CONFERENCE
and Necessity to Operate Vessels in)	(Set for February 6, 2012,
Furnishing Passenger Ferry Service)	at 1:00 p.m.)
)	
.....)	

1 On November 4, 2011, Sean McNamara d/b/a Bellingham Water Taxi, filed with the Washington Utilities and Transportation Commission (Commission) an application for a certificate of public convenience and necessity to operate vessels in furnishing passenger-only ferry service between Squaticum Harbor, Bellwether Hotel, Bellingham Cruise Terminal, Eliza, Vendovi, Sinclair, Cypress, Obstruction Pass, Olga, Rosario, Lopez (Odlin Park), and Blakely. Notice of the Application was published in the Commission’s weekly docket on December 5, 2011.

2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate persons seeking to furnish commercial ferry service. The statutes that apply to this matter include RCW 80.01, RCW 81.04, RCW 81.84 and WAC 480-51 relating to rates, including but not limited to RCW 80.01.040 and RCW 81.04.020. The rules that apply to this matter include those within WAC 480-07 and WAC 480-51.

3 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

4 The issues in this proceeding include whether granting the authority requested in
the Application is consistent with the public interest.

5 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference
in this matter at 1:00 p.m., on February 6, 2012, in the Commission's Hearing
Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive
S.W., Olympia, Washington.**

6 The purpose of the prehearing conference is to consider requests for intervention,
resolve scheduling matters including establishing dates for distributing evidence and
workpapers, to identify the issues in the proceeding and determine other matters to
assist the Commission in resolving the matter, as listed in WAC 480-07-430.

7 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene
in writing at least three business days before the date of the prehearing conference.
See WAC 480-07-355(a). The Commission will consider oral petitions to intervene
during the conference, but strongly prefers written petitions to intervene. Party
representatives must file a notice of appearance with the Commission no later than the
business day before the conference. *See* WAC 480-07-345(2). Any party or witness
in need of an interpreter or other assistance should fill out the form attached to this
notice and return it to the Commission. The Commission will set the time and place
for any evidentiary hearings at the prehearing conference, on the record of a later
conference or hearing session, or by later written notice.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or
participate in the prehearing conference set by this Notice, or any other stage of
this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-
450.**

9 The names and mailing addresses of all known parties and their known
representatives are as follows:

Applicant: Sean McNamara
d/b/a Bellingham Water Taxi
P.O. Box 1528
Haines, AK 99827
(907) 767-5722
bellinghamwatertaxi@gmail.com

Protestants: Pacific Cruises Northwest, Inc.
d/b/a Victoria San Juan Cruises
Drew Schmidt, President
355 Harris Avenue, Suite 104
Bellingham, WA 98225
(360) 738-8099
drew@whales.com

Island Commuter Service, LLC
d/b/a Island Commuter Service
Drew Schmidt, Managing Member
355 Harris Avenue, Suite 104
Bellingham, WA 98225
(360) 738-8099
drew@whales.com

Representative: Unknown

Commission Staff: Michael A. Fassio
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1192
mfassio@utc.wa.gov

10 Administrative Law Judge Martin Lovinger, from the Commission's Administrative Law Division, will preside during this proceeding.

- 11 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective January 11, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary
Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____