

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In The Matter of a Petition Requesting
Commission Permission Allowing
Temporary Discontinuance of
Commercial Ferry Service,

by

PACIFIC BOAT ENTERPRISES, LLC,
D/B/A MOSQUITO FLEET, BC-125

DOCKET NO. TS-020439

ORDER GRANTING AUTHORITY TO
TEMPORARILY DISCONTINUE
SERVICE AUTHORIZED UNDER
CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY

MEMORANDUM

- 1 On April 9, 2002, Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet, BC-125,
(Mosquito Fleet), filed with the Washington Utilities and Transportation Commission
a petition requesting permission from the Commission to temporarily discontinue
service authorized under the company's certificate of public convenience and
necessity.
- 2 Mosquito Fleet operates annually from the third weekend in April through the second
weekend in October providing passenger, freight, and excursion service between
Everett and Friday Harbor, with flag stops at Rosario and Roche Harbor.
- 3 Mosquito Fleet operates its certificate using vessels leased from other companies.
Mosquito Fleet has been advised by those companies that the vessels they normally
lease will be unavailable for the 2002 sailing season.
- 4 Mosquito Fleet requests that the Commission grant it permission to temporarily
discontinue service for a period of twelve months, returning to service in April 2003.
- 5 WAC 480-51-130 provides that:

No certificate holder shall discontinue the service authorized
under its certificate and set forth in its filed time schedule
without first having given to the commission and to the public,
at least fifteen days' notice, in writing, of its intention to
discontinue such service, and without having secured the
commission's permission. The commission shall not grant
permission for discontinuance of service for periods exceeding
twelve months.

6 This matter was brought before the Commission at its regularly scheduled open meeting on April 24, 2002. The Commissioners, having been advised in the matter, and having determined the following order to be consistent with the public interest, directed the Secretary to enter the following order and related provisions.

FINDINGS

- 7 (1) Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet, is engaged in the business of providing commercial ferry passenger, freight, and excursion service within the state of Washington as a public service company, and is subject to the jurisdiction of the Commission.
- 8 (2) On April 9, 2002, Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet, filed with the Commission a petition requesting Commission permission to discontinue service authorized by the company's certificate of public convenience and necessity, BC-125. The discontinuance requested by the company encompasses the period of April 2002 to April 2003.
- 9 (3) The proposed discontinuance petition by Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet, is reasonable because the boats the company normally leases to provide this service are not available this year and should be approved. The Commission will impose a condition that provides for passenger service should an immediate and emergent need arise. Under this condition, should an immediate need arise for commercial ferry service, Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet Systems must be prepared to resume service to meet those needs. If Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet cannot, or will not, resume service the Commission will consider that it has waived interest in its commercial ferry certificate. The Commission will then institute proceedings to cancel the company's certificate and to grant authority to another carrier who is prepared to meet the needs of the traveling public.

ORDER

- 10 (1) Permission is given to Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet to temporarily discontinue service authorized under the company's certificate of public convenience and necessity for the period April 2002 to April 2003.
- 11 (2) This authorization is conditioned on the company resuming service should an immediate need arise for commercial ferry service. Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet Systems must be prepared to resume service to meet those needs. If Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet cannot, or will not, resume service the Commission will consider that the company has waived interest in its commercial ferry certificate. The Commission will then institute proceedings to cancel the company's certificate

and to grant authority to another carrier who is prepared to meet the needs of the traveling public.

DATED at Olympia, Washington, and effective this 24th day of April, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary