

TE-060133

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 South Evergreen Park Drive SW

P. O. Box 47250

Olympia, WA 98504-7250

(360) 664-1222

COMMERCIAL FERRY APPLICATION

Application is made in accordance with RCW 81.84 for a Certificate of Public Convenience and Necessity to operate vessels in furnishing Passenger - Freight - Excursion - Ferry Service.

\$200.00 APPLICATION FEE MUST ACCOMPANY THIS APPLICATION

Complete this application in its entirety, adding additional sheets if necessary.

FOR OFFICIAL USE ONLY

Table with 3 columns: Reception No. (0000989), Amount (\$200.00), MAP, Insurance, Safety Insp. Cert., Tariff, Time Schedule, Shipper Support, Date Rec'd (1-20-06), Applic'n No. (B-79421), Mot Car No. (30104)

INDICATE TYPE OF APPLICATION:

(Only one type per application)

- Original Certificate
Extension of Authority
[X] Transfer all Authority
Transfer a Portion of Authority
Temporary Certificate
Lease of Certificate
Mortgage of Certificate
Acquisition of Control

INDICATE TYPE OF SERVICE APPLYING FOR:

- Certificated commercial ferry - including excursion service and/or launch service
Excursion service only
Launch service only

1. Name of applicant Pacific Cruises Northwest, Inc.
2. d/b/a Victoria San Juan Cruises Unified Business Identifier (UBI) No. 600 585 288
3. Physical Address 355 Harris Avenue, Suite 104
(City, State, Zip) Bellingham, Washington 98225
Mailing Address 355 Harris Avenue, Suite 104
(City, State, Zip) Bellingham, Washington 98225

Telephone Number (360) 738-8099

Fax Number (360) 738-7685

4. List names and addresses of all persons having an interest in the business. If a CORPORATION, give names and addresses of two principal officers, noting their titles, and indicate in which state incorporated. If a PARTNERSHIP, attach a certified copy of the partnership agreement, which sets forth the responsibility of the interested individuals.

Drew M. Schmidt

President – 100%

2815 Goshen Road

Bellingham, WA 98226

5. List the territory in which you wish to operate:

See attached Exhibit 1

Waiver of ten-mile restriction: Are you applying for territory which would require a waiver to provide service otherwise forbidden by the ten-mile restriction in RCW 47.60.120?

Yes No

If yes, state fully the circumstances that justify Commission grant of such a waiver:

Authority previously granted

6. Attach a map which shows in detail the proposed routes, clearly showing beginning, ending, and intermediate points to be served. Also show the routes of other carriers giving similar service into the same or neighboring territory (if known to applicant).

7. Will an attorney be representing you at the hearing? Yes No

If yes, give specific attorney's name David W. Wiley of Williams, Kastner & Gibbs, PLLC

Telephone Number (206) 233-2895 Address 601 Union Street, Suite 4100, Seattle, WA 98101

8. Attach a copy of the tariff you propose using. The tariff must contain proposed fares and rates to be assessed for service and the rules and regulations governing same. The tariff must comply with WAC 480-51-080 and the rules in the Commission's Tariff Circular No. 6 (WAC 480-149).
9. Attach a copy of the time schedule you propose using. The schedule must show routes, trips, times, points served, distances and available facilities. The time schedule must comply with WAC 480-51-090 of the Commission's Laws and Rules Relating to Commercial Ferry Service.
10. List vessels which are owned (unless otherwise stated) and will be used in the proposed service:

Name	Passenger Freight or Ferry Type	Power	Passenger Capacity	Freight Capacity	Owned, Leased, other?
Victoria Star 2	Passenger	Diesel	149	1000	Owned
Fairhaven	Passenger	Diesel	49	0	Owned

11. List the docks which will be used in the proposed service. (List all facilities giving names, location, description, value if owned, and any other information of value showing the proposed service)

Port of Bellingham – Bellingham Cruise Terminal

Port of Friday Harbor – Spring Street Landing

San Juan County – Obstruction Pass Dock

12. Complete the following financial statement:

FINANCIAL STATEMENT

Cash on hand and in bank	\$	132,625		Notes payable	\$	283,911
Notes receivable		177,646		Accounts payable		
Accounts receivable				Other liabilities:		
Stocks in other companies						
Vessels (listed above)		455,601		Unearned Revenue		80,410
Bonds				Payroll Taxes		3,320
Docks (listed above)		29,235		Sales Taxes		1,720
Machinery, tools, etc.		96,576				
Fixtures		45,804				
Other assets (listed below)		8,000		Equity		125,061
Depreciation		<451,065>				
Total	\$	494,422		Total	\$	494,422

A. List all Real Estate as to location and value (List here only such property as cannot be listed under item 10)

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

B. List total "Other Assets" mentioned above:

Commercial Salmon License	\$ 8,000
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

13. List conditions that exist which would justify the granting of a Certificate of Public Convenience and Necessity:

Not applicable.

14. List names and addresses of all persons, firms, or corporations now furnishing similar service between any of the points or along any portion of the route proposed to be served:

_____	_____
_____	_____
_____	_____

15. State applicant's prior experience, if any, in providing commercial ferry service:

25 years of operation of commercial ferries and commercial ferry companies in the Puget Sound and Strait of Juan de Fuca.

16. All applicants must attach separate sheets containing the following information:
- a. Pro forma financial statement of operations (projections of incomes and expenses for first year operations).
 - b. Ridership and revenue forecasts.
 - c. The cost of service for the proposed operation.
 - d. An estimate of the cost of the assets to be used in providing service.

17. If certificate is granted, carrier will begin operations within 120 days of that grant.

18. If this is a transfer application, you must:

- Complete attachment A.
- If this application is for transfer of a portion of certificated authority, attach document clearly showing authority to be transferred and a document clearly showing the authority to be retained.

If this is an application for a temporary certificate you must:

- Attach proof of insurance
- Attach statements from potential customers showing immediate and urgent need for service.
- Attach proof that all vessels to be operated under the temporary are inspected and found to be safe and seaworthy.

If this is a transfer through acquisition of control of the stock, you must:

- Attach copy of the corporate minutes authorizing such transfer.

The applicant certifies he/she is familiar with the provisions of Chapter 81.84 RCW and Chapter 480-51 WAC, Laws and Rules of the Washington Utilities and Transportation Commission, governing the operation of vessels and ferries upon the waters of the state of Washington. Applicant further certifies that vessels operated under Certificates of Public Convenience and Necessity are in no way released from the necessity of observing all Federal and State laws providing for the registration of vessels, the observance of navigation and maritime rules and regulations, and other matters subject to Federal or State enactments.

Applicant affirms that its operations shall be at all times within the provisions of such acts, and requests the Washington Utilities and Transportation Commission to make its order granting a Certificate of Public Convenience and Necessity as provided in Chapter 81.84 RCW and Chapter 480-51 WAC.

The applicant swears or affirms that he/she has read the foregoing application and knows the contents, that the same is true of his/her own knowledge, except as to matters which are therein stated on information or belief, and as to those matters he/she believes them to be true.



Signature of Applicant

1-13-06

Date

ATTACHMENT A

Attachment for Certificated Commercial Ferry Application When Transfer is Involved

Certificate of Public Convenience and Necessity No. **BC-00120** is attached and authorizes the furnishing of passenger-freight-ferry-excursion service by vessel between:

See attached Exhibit 1

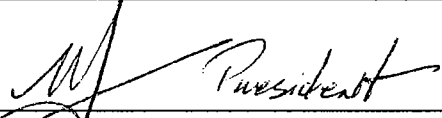
The applicant (buyer) desires to obtain all of the rights pursuant to RCW 81.84.030 of said **San Juan Island Shuttle Express, Inc.** (name certificate now in) who hereby agrees to the cancellation of the said certificate as applicable and the issuance in lieu of a like certificate in the name of the applicant (buyer). Both the certificate holder and the applicant (buyer) are familiar with the provisions of WAC 480-51-100 relating to the filing of annual reports and payment of fees on cessation of operation and jointly bind themselves to see that such rule is complied with. It is further represented by both parties that the sale or transfer applied for is not for the purpose of hindering, delaying or defrauding creditors.

Does the seller propose to transfer any properties or facilities together with the certificate?

Yes No

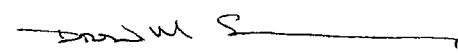
If "Yes", the seller and the purchaser agree to jointly file an application under the provisions of RCW Chapter 81.12 if any of the seller's physical assets necessary or useful in the performance of its duties to the public are to be transferred to the purchaser, in addition to the Certificate of Public Convenience and Necessity requested.

Applicant (Seller) SAN JUAN ISLAND SHUTTLE EXPRESS, INC.

By 
Mark Goodman, President
(Name & Title)

Date 1/13/06

Applicant (Buyer) PACIFIC CRUISES NORTHWEST, INC.

By 
Drew M. Schmidt, President
(Name & Title)

Date 1-13-06

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

For the Operation of Motor Propelled Vehicles

pursuant to the provisions of Chapter 81 RCW

THIS IS TO CERTIFY that authority is granted to operate as a MOTOR CARRIER in the transportation of the commodities and in the territory described herein to

SAN JUAN ISLAND SHUTTLE EXPRESS, INC.
d/b/a San Juan Island Shuttle Express
355 HARRIS AVENUE, SUITE 105
BELLINGHAM, WA 98225

CERT NO.
BC-00120

PASSENGER AND FREIGHT SERVICE

Between Friday Harbor and Bellingham, and between Obstruction Pass and Bellingham, with the carrying vessel touching at Obstruction Pass on voyages to and from Friday Harbor.

In conjunction with the above authority, flag stops at Eliza Island, Sinclair Island, Blakely Island, and Lopez Island. This authority to make flag stops will terminate automatically upon termination of the certificate holder's authority to provide the above service between Friday Harbor and Bellingham and between Obstruction Pass and Bellingham.

The above statements of authority exclude freight service between Obstruction Pass-Friday Harbor, Obstruction Pass-Lopez Island, and Lopez Island-Friday Harbor.

Pursuant to RCW 47.60.010(3), the waiver of the ten-mile restriction granted in this certificate is effective until August 8, 2001. This waiver shall become permanent if not appealed within 30 days after this date.


In conjunction with existing authority, flag stop service at Orcas Landing (Harney Channel, Orcas Island).

Excluding freight service between Orcas Island - San Juan Island, Orcas Island - Lopez Island, and Lopez Island - San Juan Island.

Pursuant to RCW 47.60.120 (3), waiver of the ten mile restriction granted in this certificate is effective until May 21, 2003. This waiver shall become permanent if not appealed within 30 days after May 21, 2003.

(CONTINUED)

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

By 
for Carol Washburn, Secretary



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

In conjunction with the existing authority, flag stop service at Brandt's Landing (Orcas Island).

Excluding freight service between Orcas Island - San Juan Island, Orcas Island - Lopez Island and Lopez Island - San Juan Island.

S. E. C. NO. 555

07-06-99



Williams, Kastner & Gibbs PLLC

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

David W. Wiley
Attorney at Law
(206) 233-2895
dwiley@wkg.com

74325.100

January 17, 2006

Ms. Carole J. Washburn
Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive, S.W.
P.O. Box 47250
Olympia, WA 98504

Attention: Bonnie Allen: Transportation Licensing Section

Re: Application for Transfer of Certificate BC-120

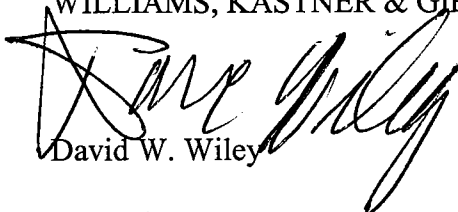
Dear Ms. Washburn:

Enclosed please find a Commercial Ferry Application for transfer of Certificate BC-120 currently held by San Juan Island Shuttle Express, Inc. that is being submitted for transfer to our client Pacific Cruises Northwest, Inc., BC-10. Also enclosed is Attachment A for application for transfer and the requisite \$200 filing fee.

Please process the enclosed for docketing and contact me or Drew Schmidt if you should have any further questions on this matter.

Yours truly,

WILLIAMS, KASTNER & GIBBS PLLC


David W. Wiley

DWW:ks

Enclosures

cc: Drew Schmidt (w/o encl.)