

TS-091353-P



United States
Department of
Agriculture

Forest
Service

Okanogan -Wenatchee
National Forest
Chelan Ranger District

428 West Woodin Avenue
Chelan, WA 98816
(509) 682-2576

File Code: 2720-2

Date: August 25, 2009

Mr. Dave Danner
Executive Director
Washington State Utilities and Transportation
Commission
PO Box 47250
Olympia, WA 98504

RECEIVED
RECORDS MANAGEMENT
2009 AUG 27 AM 9:04
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Dear Mr. Danner:

I am requesting a formal opinion by the Washington State Utilities and Transportation Commission on the enclosed application I have received for boat transportation on Lake Chelan.

Several phone conversations and e-mails have occurred between my staff, Margi Gromek, the proponent, Stehekin Boat Service, and your staff, Penny Ingram. The special use permit issued by the National Forest will authorize the use of National Forest facilities by Stehekin Boat Service for the purpose of operating a charter service between Stehekin and Field's Point Landing and other dock locations on the National Forest.

I am enclosing the correspondence on this topic with both the proponent and my staff and Penny Ingram. Starting in September of 2007 where I asked Mr. Jim Courtney to check with the State of Washington WUTC to determine if a permit was needed from the State. In October of 2007 I received a letter from Mr. Courtney with an e-mail from Ms Ingram indicating that the proposed **service would be exempt** from commercial ferry operation. Feedback from the Lake Chelan Boat Company that I received prompted me to have a phone conversation on March 18, 2008 with Ms. Ingram and Jack and Cindy Raines about the staff findings that the operations would be exempt. On March 19, 2008 I requested from Penny Ingram a review of the proposal received from Mr. Courtney (Owner of Stehekin Boat Service). You will see that on March 31, 2008 we received an e-mail informing us that the **staff changed its opinion** and determined that Mr. Courtney would need a Certificate of Public Convenience and Necessity to operate his vessel on Lake Chelan. I signed a letter on May 5, 2008 addressed to Mr. Courtney indicating that he would need to obtain this Certificate and then I could proceed with our permit process. Our permit requires operators to comply with all federal, state and local regulations. Then on July 18, 2008 we were sent an e-mail from Ms Ingram that was based on further correspondence with Mr. Courtney indicating that your staff had now determined that the WUTC would not have any regulatory authority over a charter service and therefore **he would not need the Certificate of Public Convenience.**


During this time and in each correspondence it is clear that Ms. Ingram is presenting an informal opinion and is not binding on the commission if a formal determination is requested. In order to make sure that I am not issuing a permit in violation of State of Washington's Regulations, I am asking for that formal determination. Since the current passenger ferry operation, The Lake Chelan Boat Company, is concerned over a second ferry service on the Lake, I would like to have a determination prior to issuing a permit for use of National Forest facilities.



Along with the correspondence I am also enclosing the operating plan that was submitted to us by Stehekin Boat Service which includes services offered, equipment to be used, safety plan and client charges. Does the plan of operation in this application meet the WAC 480-51-020 code that defines a charter service?

Please let me know if you need additional information.

Sincerely,



ROBERT J. SHEEHAN
District Ranger

cc: Penny Ingram, Jim Courtney

STANDARD FORM 299 (6/99)
 Prescribed by DOI/USDA/DOT
 P.L. 96-487 and Federal
 Register Notice 5-22-95

**APPLICATION FOR TRANSPORTATION AND
 UTILITY SYSTEMS AND FACILITIES
 ON FEDERAL LANDS**

FORM APPROVED
 OMB NO. 0596-0082

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date Filed

3. Telephone (area code)

Applicant

Authorized Agent

1. Name and address of applicant (*include zip code*)
 Jim Courtney
 P.O. Box 296
 Stehekin, WA 98852

Name, title, and address of authorized agent if different from item 1 (*include zip code*)

4. As applicant are you? (*check one*)
- a. Individual
 - b. Corporation*
 - c. Partnership/Association*
 - d. State Government/State Agency
 - e. Local Government
 - f. Federal Agency

5. Specify what application is for: (*check one*)
- a. New authorization
 - b. Renewing existing authorization No.
 - c. Amend existing authorization No.
 - d. Assign existing authorization No.
 - e. Existing use for which no authorization has been received *
 - f. Other*

* If checked, complete supplemental page

* If checked, provide details under item 7

6. If an individual, or partnership are you a citizen(s) of the United States? Yes No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (*Length, width, grading, etc.*); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (*Attach additional sheets, if additional space is needed.*) **See Attached**

8. Attach a map covering area and show location of project proposal

9. State or Local government approval: Attached Applied for Not Required

10. Nonreturnable application fee: Attached Not required

11. Does project cross international boundary or affect international waterways? Yes No (*if "yes," indicate on map*)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

13a. Describe other reasonable alternative routes and modes considered.
 There are other docks in some of the areas, these are private docks.

b. Why were these alternatives not selected?

Limited access to parking would need to upgrade docks for commercial use. Most are limited in room.

c. Give explanation as to why it is necessary to cross Federal Lands.

The docks we would like to use are already public and commercial facilities and in some cases the only dock at the location.

Attachment for #7 of Application and Utility Systems and Facilities on Federal Lands

Stehekin Boat Service will be a Charter Boat operation on Lake Chelan based at the northwest end of the Lake in Stehekin. This proposal would mainly operate between Stehekin and Field Point. However, it would also land at Lucerne, Prince Creek, Chelan and other private docks as well as campgrounds and trail heads on Lake Chelan.

This operation will be an "On Demand Charter Boat" hauling passengers up and down Lake Chelan and will be operating year around. The docking times and numbers of dockings will vary depending on passenger demand, however, we will beware of the other Boat operations and will work in a way to not be in conflict with their schedules and docking times.

APPENDIX B

Annual Operating Plan

Owner and Manager:

Stehekin Boat Service is owned and operated by Jim and Rene Courtney of PO Box 296, Stehekin, WA 98852. Our telephone number is 509-470-1799.

Type of Permit:

Two Year Permit

Seasons of Use:

Year-round transport will be provided on-call for clients to National Forest docks.

Outfitter Equipment:

40' Passenger Boat is Gray with "Liberty" printed on the side of the boat. Its WN number is: 9793NS. It has a Vessel Registration number of: WNZ9653CA363.

Names of Guides and Experience:

Jim Courtney – 36 years experience operating boats and barges on Lake Chelan.

Services Offered to Clients/Areas of Approved Use:

Stehekin Boat Service will operate on-call year round to transport clients to Forest Service docks along Lake Chelan. The business is based in Stehekin on private land. Field's Point will be the main dock utilized, but stops at all other docks along the lake would also be provided, and serve clients primarily from Stehekin and Chelan. Up to a maximum of 480 client service days (one way trips) to National Forest docks may be made per year. Boat tours would not be offered, only transportation between docks.

Client Camping Practices Information:

We provide transportation only and not guided camping. However, as part of our permit agreement, we will provide our camping clients with written information and have them sign off on an agreement to abide by the "leave no trace", "pack it in – pack it out" and "minimum impact" guidelines. As part of these guidelines we will provide information that advises customers they are prohibited from cutting snags.

Clients will be advised that they should cook with stoves to minimize impact on the area. Where fires are allowed they must take all appropriate safety measures and use only existing and continually renewed down woody material for firewood. They will also be advised that they are prohibited from collecting or damaging historic or prehistoric artifacts or sites, and that to do so is a violation of Federal law. Also, they are obligated to report the location of any sites discovered to the Forest Service.

We will provide transportation for our customer's garbage for proper disposal. We will also provide customers with information regarding proper camp sanitation so they do not provide an attractive nuisance to wildlife. Camping clients will be informed that toilet areas are to be a minimum of 200 feet from all water sources. Additionally, we will monitor the current and expected wildfire conditions and keep our customers apprised of any current or expected restrictions on fires.

We will not provide transportation for mechanized equipment (e.g. chainsaw) to drop off points near designated wilderness areas unless pre-approved in writing by a Forest Service Officer. We will limit our group sizes to 12 individuals if we are landing them near designated wilderness areas. We will provide a report to the Forest Service that will include: use dates, landing locations, party sizes. We will evaluate effects on these locations at permit renewal.

If dens or nest sites are located for species protected under the Endangered Species Act those sites will be excluded as possible landing or camping sites during the reproductive season.

The approved dock transport areas are displayed in Appendix A: "Map of Stehekin Boat Service's Dock Locations".

Safety Plan:

We have a Coast Guard and Washington State Labor & Industries Marine Division approved boat and equipment. Our boat operators will be first aid and CPR qualified. Additionally, we will carry a VHF radio and cell phone to facilitate contact in the event of an emergency. Our boats carry fire extinguishers, first aid kits, lifejackets and a whistle. We will follow all standard safety practices.

Stehekin Boat Service will not use Field's Point or any other docks during the Lake Chelan Boat Company's scheduled times or actual use at any location.

Client Charges:

Our standard rate will start at \$35 one way between the points of Stehekin and Field's Point, with a reduced rate for families with children under 12, and free for ages 6 and under. Fees for other stops have not been determined. A minimum fee would apply per trip if a small number of clients travel.

August 15, 2007
District Ranger
Chelan Dist
Chelan, WA 98816

Dear Mr. Sheehan:

I don't know why the WUTC thinks I need a permit unless they misunderstood my operation. Enclosed are exempt vessel operations from the WAC, and I plan to operate within these operations.

Hopefully this will help.

Thanks,

Sincerely,

Jim Courtney
P O Box 296
Stehekin, WA 98852

WACs > Title 480 > Chapter 480-51 > Section 480-51-022

[480-51-020](#) << [480-51-022](#) >> [480-51-025](#)

WAC 480-51-022

Exempt vessels and operations.

The rules of this chapter do not apply to the following vessels or operations:

(1) Charter services;

(2) Passenger-carrying vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;

(3) Vessels operated by not-for-profit or governmental entities that are replicas of historical vessels or that are recognized by the United States Department of the Interior as national historical landmarks;

(4) Excursion services that:

(a) Originate and primarily operate at least six months per year in San Juan County waters and use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to forty-nine passengers or less;

(b) Do not depart from the point of origin on a regular published schedule;

(c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period;

(d) Use vessels that do not return to the point of origin on the day of departure; or

(e) Operate vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington.

[Statutory Authority: RCW [81.84.070](#), 1993 c 427, 1995 c 361 and RCW [60.01.040](#)(4), 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-022, filed 10/18/95, effective 11/18/95.]

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Jim Courtney
Enclosed this
page with his
letter.



United States
Department of
Agriculture

Forest
Service

Okanogan and Wenatchee
National Forests
Chelan Ranger District

428 West Woodin Avenue
Chelan, WA 98816
(509) 682-2576

File Code: 2720

Date: September 5, 2007

Jim Courtney
PO Box 296
Stehekin, WA 98852

FILE

Dear Mr. Courtney:

I received your letter dated August 15, 2007 and the enclosed web page listing "exempt vessels and operations" from the Washington State commercial permitting process for ferry boats. According to our contact Penny Ingram at the Washington Utilities and Transportation Commission (WUTC) only they can make an exemption call after reviewing your proposal.

Please check into this matter then let me know if you have the required permit or if your operation has been exempted from a state permit by WUTC. At that point we can move forward with your proposal on National Forest lands. A requirement of Special Use Permits is permittee compliance with all state and local laws.

Thank you for following up and documenting any requirements or your exemption.

Sincerely,

ROBERT J. SHEEHAN
District Ranger



October 10, 2007

Dear Mr. Courtney:

In your October 3 e-mail to me, you asked for an informal staff opinion on whether the type of passenger ferry service that you want to provide should be regulated or exempt from regulation.

The information provided for consideration is below:

- The vessel is 40 feet long and weighs approximately 8 tons;
- Seating capacity is less than 30 people;
- The type of service will be on-call service for a person or persons;
- The vessel would be used for charter and excursion service.

Based on the information provided, staff agrees the service, you propose to start, would be exempt from commercial ferry regulation. WAC 480-51-022 exempts charter and excursion services. I have included the pertinent WAC for your information.

These informal opinions are those of the commission staff. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions cannot be considered binding on the commission should the commission be called on to make a formal determination.

I hope you find this information helpful. If you have any questions regarding this issue, please contact Penny Ingram at 360-664-1242 or by e-mail pigram@utc.wa.gov.

WAC 480-51-022 Exempt vessels and operations

The rules of this chapter do not apply to the following vessels or operations:

- (1) Charter services;
- (2) Passenger-carrying vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;
- (3) Vessels operated by not-for-profit or governmental entities that are replicas of historical vessels or that are recognized by the United States Department of the Interior as national historical landmarks;
- (4) Excursion services that:
 - (a) Originate and primarily operate at least six months per year in San Juan County waters and use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to forty-nine passengers or less;
 - (b) Do not depart from the point of origin on a regular published schedule;
 - (c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period;
 - (d) Use vessels that do not return to the point of origin on the day of departure; or
 - (e) Operate vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington.

Jim Courtney
P.O. Box 296
Stehekin, WA 98852

October 11, 2007

Robert J Sheehan
District Ranger
428 West Woodin Ave
Chelan, WA 98816

Dear Mr. Sheehan,

Enclosed please find this email-letter from Penny Ingram, of the WUTC, stating that the staff feels my proposed boat service would be exempt from commercial ferry regulations.

I hope this information is helpful for moving the Special Use Permit process along.

Thank you fro your help.
Sincerely,
Jim Courtney

Jim Courtney

RK
Let's talk later
Mattji
JOC JK.
Let's discuss



United States
Department of
Agriculture

Forest
Service

Okanogan and Wenatchee
National Forests
Chelan Ranger District

428 West Woodin Avenue
Chelan, WA 98816
(509) 682-2576

File Code: 2720-1

Date: March 19, 2008

Penny Ingram
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

FILE COPY

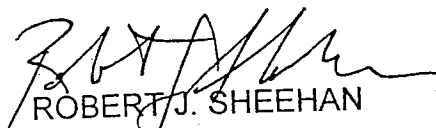
Dear Ms. Ingram:

Based on the telephone conference call held March 18, 2008 with you and your supervisor, Jack Raines and Cindy Engstrom of the Lake Chelan Boat Company, and myself, Bob Sheehan Chelan District Ranger; I would like to follow up with you on Jim Courtney's "on demand charter boat" service proposal. I am still unclear as to whether or not Jim Courtney's proposed service would be exempt from Washington Utilities and Transportation Commission (WUTC) regulations.

I've enclosed a copy of Mr. Courtney's Forest Service special use permit application he filled out proposing to transport passengers' to locations on Lake Chelan using Forest Service docks and shoreline areas. Could you please review his written proposal sent to my office and inform me whether or not Mr. Courtney's proposed boat service would be exempt from WUTC regulations? If you don't have enough information from Mr. Courtney's proposal to make this call, please let me know, and we'll have Mr. Courtney further describe in writing his charter boat proposal.

Thank you for your time on this matter.

Sincerely,


ROBERT J. SHEEHAN
District Ranger

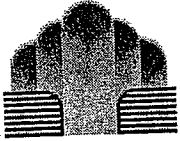
Enclosure



Caring for the Land and Serving People

Printed on Recycled Paper





Margaret M
Gromek/R6/USDAFS
05/05/2008 10:57 AM

To Margaret M Gromek/R6/USDAFS,
cc
bcc
Subject Fw: Clarification of UTC regulation of "excursion service" and
"charter service."



"Ingram, Penny (UTC)"
<PIngram@utc.wa.gov>
03/31/2008 04:58 PM

To "Jim & Rene Courtney" <JimandRene@hughes.net>
cc "Eckhardt, Gene (UTC)" <geckhard@utc.wa.gov>,
"rsheehan@fs.fed.us" <rsheehan@fs.fed.us>, "Cindy
Engstrom" <cindy@ladyofthelake.com>
Subject RE: Clarification of UTC regulation of "excursion service" and
"charter service."

Mr. Courtney:

Based on the information you provided, staff has changed its opinion and believes you will need a Certificate of Public Convenience and Necessity to operate your vessel on Lake Chelan.

If you have any questions, please contact me at 360-664-1242.

These informal opinions are those of the commission staff. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions cannot be considered binding on the commission should the commission be called on to make a formal determination.

Sincerely,
Penny Ingram
Regulatory Analyst
UTC

From: Jim & Rene Courtney [mailto:JimandRene@hughes.net]
Sent: Saturday, March 29, 2008 9:13 AM
To: Ingram, Penny (UTC)
Subject: RE: Clarification of UTC regulation of "excursion service" and "charter service."

Penney,

I plan to operate as a "charter service" based at Stehekin WA. There might be some demand for excursion service but since I would use our dock for that I didn't include it in the USFS dock plan. Let me know if you have any more questions.

Thanks,

Jim Courtney

-----Original Message-----

From: Ingram, Penny (UTC) [mailto:PIngram@utc.wa.gov]

Sent: Tuesday, March 25, 2008 11:07 AM

To: JimandRene@hughes.net

Subject: FW: Clarification of UTC regulation of "excursion service" and "charter service."

Mr. Courtney,

Mr. Sheehan forwarded your permit request to use the USFS dock. In the paperwork, you state "Stehekin Boat Service will be a "charter boat" operation on Lake Chelan.

Please respond to staff what type of service that Stehekin Boat Service plans to offer customers "commercial ferry" service, "excursion service" or "charter service." The definitions and examples are below in the e-mail to assist with the definitions of each type of service.

If you have questions please let me know. I look forward to your response.

Sincerely,

Penny Ingram

Regulatory Analyst

UTC 360-664-1242

From: Ingram, Penny (UTC)

Sent: Tuesday, March 25, 2008 10:24 AM

To: 'Cindy Engstrom'; 'JimandRene@hughes.net'; 'ANTONJ@aol.com'; 'rsheehan@fs.fed.us'

Subject: Clarification of UTC regulation of "excursion service" and "charter service."

Greetings All:

The Washington State Utilities and Transportation Commission (UTC) regulates all "Commercial ferry" service under RCW 81.84 and WAC 480-51.

RCW 81.84.010 Certificate of convenience and necessity required- Service initiation – progress reports

(1) A commercial ferry may not operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation.

WAC 480-51-020 Definitions

(1) "The term "commercial ferry" means every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state."

In 1995, Engrossed Substitute HB 1922 added "excursion service" and "charter service" to the UTC's regulation of commercial ferries in RCW 81.84. The legislature placed a sunset date when UTC regulations would expire on January 1, 2001, for "excursion service" and "charter service."

The legislature defined "excursion service" and "charter service" as follows:

WAC 480-51-020 Definitions

(13) The term "excursion service" means the carriage or conveyance of persons for compensation over the waters of this state **from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.**

(14) The term "charter service" means the hiring of a vessel, with captain and crew, **by a person or group for carriage or conveyance of persons or property.**

What does all this mean?

WAC 480-51-022 Exempt vessels and operations, adopted by the UTC in 1995, became void January 1, 2001 when the commission's statutory authority expired. A WAC cannot overstep statutory authority provided by the legislature in RCW 81.84. The commission has not updated the rules relating to commercial ferries Chapter 480-51 since 1995. The commission **does not have any authority to regulate** "charter service" or "excursion service."

What is an example of "excursion service"?

- 1) Company XYZ leaves origin (the start of service);
- 2) Company XYZ makes an intermediate stop where passengers leave the boat to do whatever;
- 3) All passengers return and reboard the boat "**before**" Company XYZ returns to the original origin, which completes the service.

What is an example of "charter service"?

- 1) The Boy Scouts of America (a group) hires the boat, captain and crew to take the Boy Scout troop (15 boys) out fishing, swimming and to have a picnic (a common purpose).
- 2) The 15 boys board the vessel and head out for their day of fun.

3) The Boy Scouts of America pays the company one check for the 15 boys.

OR

- 1) A person hires the boat, captain, and crew to take the person alone or a group of people with a common purpose to do something.
- 2) The person pays for the service or for the group with one check.

I hope this information clarifies the regulation, by UTC, for commercial ferry companies.

These informal opinions are those of the commission staff. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions cannot be considered binding on the commission should the commission be called on to make a formal determination.

Sincerely,
Penny Ingram
Regulatory Analyst
360-664-1242

Washington State Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504



United States
Department of
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Okanogan and Wenatchee
National Forests
Chelan Ranger District

428 West Woodin Avenue
Chelan, WA 98816
(509) 682-2576

File Code: 2720

Date: May 5, 2008

Jim Courtney
PO Box 296
Stehekin, WA 98852

FILE COPY


Dear Mr. Courtney:

During our process of requesting public comment regarding your proposed "on-call charter boat operation" special use permit application we received many responses.

We also received an E-mailed message sent on March 31, 2008 from Penny Ingram at Washington State Utilities and Transportation Commission (WUTC). It is now the opinion of WUTC that you will need to obtain a "Certificate of Public Convenience and Necessity" to operate on Lake Chelan. National Forest special use permits contain the clause, "The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards". This clause requires us to put a hold on your application process until the state regulated "Certificate of Public Convenience and Necessity" is obtained.

If you have any questions, please contact me or Margi Peterson at 682-2576.

Sincerely,


ROBERT J. SHEEHAN
District Ranger





"Ingram, Penny (UTC)"
<PIngram@utc.wa.gov>
07/18/2008 12:02 PM

To "Jim & Rene Courtney" <JimandRene@hughes.net>
cc "Eckhardt, Gene (UTC)" <geckhard@utc.wa.gov>, "rsheehan@fs.fed.us" <rsheehan@fs.fed.us>, "Cindy Engstrom" <cindy@ladyofthelake.com>
bcc

Subject RE: Reminder

History: This message has been forwarded.

Mr. Courtney,

Thank you for clarifying that you only want to provide "charter service" that is under a single contract where the "charterer" has acquired the *exclusive use and control of the vessel for the term of the contract*.

In 1995, Engrossed Substitute HB 1922 added "charter service" to the UTC's regulation of commercial ferries in RCW 81.84. The legislature placed a sunset date when UTC regulations would expire on January 1, 2001, for "charter service."

The legislature defined "charter service" as follows:

WAC 480-51-020 Definitions

(14) The term "charter service" means the hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.

It is staff's informal opinion that the commission does not have regulatory authority to regulate "charter service" as defined in WAC 480-51-020.

These informal opinions are those of the commission staff. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions cannot be considered binding on the commission should the commission be called on to make a formal determination.

I hope you find this information helpful. If you have any questions regarding this issue, please contact Penny Ingram at 360-664-1242 or by e-mail pingram@utc.wa.gov.

Sincerely,
Penny Ingram
Regulatory Analyst
Washington Utilities and Transportation Commission

From: Jim & Rene Courtney [mailto:JimandRene@hughes.net]
Sent: Friday, July 18, 2008 8:36 AM
To: Ingram, Penny (UTC)
Subject: RE: Reminder

Hi Penny,

Thanks for the clarification; I would be operating as a charter service as defined in WAC480-51-020 Definitions.

I hope this clarifies the type of service I'm planning.

Sincerely,

Jim Courtney

-----Original Message-----

From: Ingram, Penny (UTC) [mailto:PIngram@utc.wa.gov]

Sent: Tuesday, July 15, 2008 4:35 PM

To: Jim & Rene Courtney

Subject: Reminder

Good afternoon Mr. Courtney.

I have not heard from you regarding my e-mail sent on June 24. I presented you with three "types" of service that you could provide on Lake Chelan. I did this to help clarify the available options. Please let me know your decision.

Sincerely,

Penny Ingram

Regulatory Analyst

Utilities and Transportation commission

360-664-1242

pingram@utc.wa.gov

From: Ingram, Penny (UTC)

Sent: Tuesday, June 24, 2008 5:37 PM

To: 'Jim & Rene Courtney'

Subject: RE: WUTC exempt letter1.doc

June 24, 2008

Dear Mr. Courtney:

You have not been totally clear as to the "type" of service that you want to provide on Lake Chelan.

As you know, the Washington State Utilities and Transportation Commission (UTC) regulates all "Commercial ferry" service under RCW 81.84 and WAC 480-51.

RCW 81.84.010 Certificate of convenience and necessity required- Service initiation – progress reports

(1) A commercial ferry may not operate any vessel or ferry *for the public use for hire between fixed termini or over a regular route* upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation.

Please check the appropriate “type” of service(s) that you want to provide in the yellow box below.

WAC 480-51-020 Definitions



(1) “The term **“commercial ferry”** means every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatever, owning, controlling, leasing, operating or *managing any vessel over and upon the waters of this state.*”

WAC 480-51-020 Definitions



(13) The term **“excursion service”** means the carriage or conveyance of persons for compensation over the waters of this state **from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.**

Note: “Excursion Service,” all passengers return and reboard the boat **“before”** the boat returns to the point of “origin” (beginning) of service.



(14) The term **“charter service”** means the hiring of a vessel, with captain and crew, **by a person or group for carriage or conveyance of persons or property.**

Note: “Charter service” is under a single contract where the “charterer” has acquired the *exclusive use and control of the vessel for the term of the contract* .

I hope you find this useful. Please let me know if you have further questions. You may reach me at 360-664-1242 or by e-mail at pingram@utc.wa.gov.

Sincerely,
Penny Ingram

Utilities and Transportation Commission
360-664-1242

From: Jim & Rene Courtney [mailto:JimandRene@hughes.net]
Sent: Thursday, June 12, 2008 9:03 AM
To: Ingram, Penny (UTC)
Subject: WUTC exempt letter1.doc

<<...>>

Hi Penny,

Yes I'm still interested in providing boat service on Lake Chelan. I have sent a copy of my original letter stating why this operation should be exempt and I'm not sure of the best way to clarify it. If you could tell me which parts you believe are unclear it would help me in trying to describe the operation.

Here are some main points I would like to add. Stehekin is an isolated community that is dependent on water transportation for its livelihood.

There are no commercial boat businesses in Stehekin. The only permitted ferry service on Lake Chelan is based in Chelan and its schedules are based on Chelan needs. At this time there is no seaplane service and only one other small charter service with a small boat that is weather dependent. For half the year the permitted ferry operator will only stop at three docks uplake, leaving cabins, campgrounds and trailheads along the lake without commercial service.

My proposed operation would fill in a big portion of this gap in transportation and with so

many variables in serving clients it seems it would be difficult operate as a regulated business.

My letter writing skills are not the best so I hope I have been clear. I would like to

invite you and/or staff to visit Stehekin, I would be glad to show you around and maybe

even arrange for a community meeting to here comments from residents.

Thanks for listening,

Jim Courtney

-----Original Message-----

From: Ingram, Penny (UTC) [<mailto:PIngram@utc.wa.gov>]

Sent: Friday, May 23, 2008 3:10 PM

To: JimandRene@hughes.net

Subject: FW: Clarification of UTC regulation of "excursion service" and "charter service."

Good afternoon Mr. Courtney.

Staff is checking in to see if you are still interested in providing commercial ferry service or a different type of service. I thought you might send staff more information that describes the service that you would like to provide in more detail. Do you plan to send more information?

Sincerely,
Penny Ingram
UTC
360-664-1242