

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

|   |   |                                 |
|---|---|---------------------------------|
| In the Matter of the Application of     | ) | DOCKET TS-111927                |
|   | ) |                                 |
| SEAN MCNAMARA d/b/a                     | ) | ORDER 01                        |
| BELLINGHAM WATER TAXI                   | ) |                                 |
|   | ) | PREHEARING CONFERENCE           |
| For a Certificate of Public Convenience | ) | ORDER                           |
| and Necessity to Operate Vessels in     | ) |                                 |
| Furnishing Passenger Ferry Service      | ) | NOTICE OF HEARING               |
|   | ) | <b>(Set for March 26, 2012,</b> |
|   | ) | <b>at 9:30 a.m.)</b>            |
| .....                                   | ) |                                 |

1 On November 4, 2011, Sean McNamara d/b/a Bellingham Water Taxi (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 Squalicum 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. On December 15, 2011, Pacific Cruises Northwest, Inc. (Pacific Cruises) and Island Commuter Service, LLC (Island Commuter) filed a protest against the application of Bellingham Water Taxi.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on February 6, 2012, before Administrative Law Judge Martin Lovinger.

3 **APPEARANCES.** Sean McNamara, Haines, Alaska, represents Bellingham Water Taxi, pro se. Drew Schmidt, Bellingham, Washington, represents Pacific Cruises and Island Commuter, pro se. Michael Fassio, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff or

Staff).<sup>1</sup> Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** Jack Harmon, Port Angeles, Washington, sought to intervene at the prehearing conference over the Commission's Conference Bridge line on behalf of Arrow Launch Service, Inc. He sought to intervene to prevent Bellingham Water Taxi from being granted a certificate by the Commission to provide launch service. Bellingham Water Taxi made a motion to exclude the request for launch service from its application for a Certificate of Public Convenience. The presiding administrative law judge granted the motion by Bellingham Water Taxi to eliminate from its application a request for a Certificate to provide launch service. Arrow Launch Service, Inc. withdrew its request to intervene.

5 **DISCOVERY.** It does not appear that discovery will be required in this proceeding. If parties see a need for discovery, any party may move that the Commission invoke the Commission's discovery rules, WAC 480-07-400 – 425.

6 **PROCEDURAL SCHEDULE.** The parties have agreed to the following schedule which is also set forth below as Appendix B:

March 22, 2012 – The Parties will exchange exhibits and witness lists by 5:00 p.m.

March 26, 2012 – Evidentiary hearing beginning at 9:30 a.m.

7 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on **Monday, March 26, 2012, at 9:30 a.m. in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **four (4) copies** of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that

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<sup>1</sup> In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See*, RCW 34.05.455.

materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

9 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

10 A copy of all filings **must** be provided through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to [<records@utc.wa.gov>](mailto:records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus **4 paper copies**, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov). Finally, to perfect filing, parties **must** simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge ([mlovinge@utc.wa.gov](mailto:mlovinge@utc.wa.gov)) as well as to the parties to the proceeding.

12 Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS Word) format.

13 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal resolution of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited resources but can provide dispute resolution services in some cases, if requested. If parties wish to explore those

services, they should contact the Director of the Administrative Law Division, Administrative Law Judge Gregory J. Kopta, at 360-664-1355.

14 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective February 14, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARTIN LOVINGER  
Administrative Law Judge

## APPENDIX A

PARTIES' REPRESENTATIVES  
DOCKET TS-111927

| PARTY   | REPRESENTATIVE  | PHONE        | FACSIMILE    | E-MAIL   |
|---|---|--------------|--------------|--|
| SEAN<br>McNAMARA<br>D/B/A<br>BELLINHAM<br>WATER TAXI                              | SEAN McNAMARA<br>Manager<br>P.O. Box 1528<br>Haines, AK 99827   | 907-767-5722 | same         | <a href="mailto:bellinghamwatertaxi@gmail.com">bellinghamwatertaxi@gmail.com</a> |
| PACIFIC<br>CRUISES<br>NORTHWEST,<br>INC.<br>D/B/AVICTORI<br>A SAN JUAN<br>CRUISES | DREW SCHMIDT<br>President<br>355 Harris Ave.<br>Suite 104<br>Bellingham, WA 98225   | 360-738-8099 | 360-738-7685 | <a href="mailto:drew@whales.com">drew@whales.com</a>                             |
| ISLAND<br>COMMUTER<br>SERVICE, LLC<br>D/B/A/ ISLAND<br>COMMUTER<br>SERVICE        | DREW SCHMIDT<br>Managing Member<br>355 Harris Ave.<br>Suite 104<br>Bellingham, WA 98225                                       | 360-738-8099 | 360-738-7685 | <a href="mailto:drew@whales.com">drew@whales.com</a>                             |
| COMMISSION<br>STAFF   | MICHAEL A. FASSIO<br>Assistant Attorney General<br>1400 S. Evergreen Park Dr.<br>SW<br>PO Box 40128<br>Olympia, WA 98504-0128 | 360-664-1192 | 360-586-5522 | <a href="mailto:mfassio@utc.wa.gov">mfassio@utc.wa.gov</a>                       |

**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET TS-111927**

| <b>EVENT</b>   | <b>DATE</b>    |
|--|----------------|
| The Parties will exchange exhibits and witness lists | March 22, 2012 |
| Evidentiary Hearing                                  | March 26, 2012 |