

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

In the Matter of)	DOCKET TS-060061
)	
Application No. B-79418 of)	
)	
SEAN MCNAMARA)	
d/b/a PACIFIC SEA TAXI)	NOTICE ESTABLISHING PROCESS
)	FOR CONSIDERATION OF
For a Certificate of Public Convenience)	PROPOSED SETTLEMENT
and Necessity to Operate Vessels in)	
Furnishing Passenger Ferry Service)	
)	
.....)	
In the Matter of)	DOCKET TS-060133
)	
Application No. B-79421 of)	
)	
PACIFIC CRUISES NORTHWEST,)	
INC., d/b/a VICTORIA SAN JUAN)	NOTICE ESTABLISHING PROCESS
CRUISES)	FOR CONSIDERATION OF
)	PROPOSED SETTLEMENT
To Transfer All Rights under)	
Certificate B-120 in the name of San)	
Juan Island Shuttle Express, Inc.)	
.....)	

1 On January 10, 2006, Sean McNamara, d/b/a Pacific Sea Taxi, filed an application (No. B-079418) for a certificate of public convenience and necessity to operate vessels in furnishing passenger-only ferry service between Bellingham and Orcas Island, with flag stops at: Eliza Island, Sinclair Island, Cypress Island, Lopez Island, and Blakely Island. The Commission docketed the application as Docket TS-060061. Notice of the Application was published in the commission’s weekly docket of February 13, 2006.

2 On January 20, 2006, Pacific Cruises Northwest, Inc., d/b/a Victoria San Juan Cruises, filed Application No. B-079421 seeking authority to transfer to itself all rights under Certificate B-120, which is presently held by San Juan Island Shuttle Express, Inc. The Commission docketed the application as Docket TS-060133. The

Commission published Notice of the Application in its weekly docket of February 13, 2006.

- 3 The Commission has jurisdiction over these matters under Title 81 RCW, which authorizes it to regulate persons seeking to furnish commercial ferry service under chapter 81.84 RCW and chapter 480-51 WAC. The issues in this proceeding include whether granting the authorities requested in the two Applications is consistent with the public interest.
- 4 The Commission convened a joint prehearing conference in these dockets on March 31, 2006. The Commission found the two proceedings interrelated and established coordinated procedural schedules but did not consolidate the dockets. The presiding Administrative Law Judge encouraged the parties to enter into settlement negotiations and set April 6, 2006, as the date for an initial settlement conference.
- 5 The Commission received informal notice on May 12, 2006, that the parties had reached settlements in principle in both dockets and would, in due course, file written agreements for the Commission's consideration. The Commission, by Notice issued May 12, 2006, granted the parties' request that the procedural schedule be suspended.
- 6 On May 19, 2006, the parties filed their settlement agreements. The two agreements include substantially identical terms. The parties request that the two agreements be considered for disposition together, request Commission consideration on the paper record without further hearing, and waive their right to an initial order.
- 7 The Commission is prepared to act on the proposed settlements as requested. However, even unprotested applications for new authority require support in the record to show need, evidence of fitness to provide service, and financial fitness. In an unprotested case, written shipper statements may be received in lieu of oral testimony, which is required in the case of all contested applications. *See* Order S.B.C. No. 519, *In re Mosquito Fleet Enterprises, Inc.*, App. No. B-78420 (March 1996). Evidence of general fitness and financial fitness typically are included with the original application, or may be furnished by subsequent submission of financial and other documents.

8 Accordingly, the Commission requires in the case of Docket TS-060061 that the applicant file for the record written shipper statements that demonstrate the need for the service proposed. The applicant may also file additional supporting evidence of general and financial fitness. It would be helpful for Commission Staff to file a statement concerning its review of the relevant evidence and its satisfaction that the requisite showings have been made by the applicant.

9 **THE COMMISSION GIVES NOTICE that the record in Docket TS-060061 will remain open until June 2, 2006, for the receipt of written shipper statements and any other supporting evidence the applicant or other parties may wish to file in support of the ends proposed by the parties' settlement agreement, including the issuance of a certificate as proposed in Docket TS-060061 and modified by the proposed settlement.**

10 The Commission will act on the proposed settlements in both dockets promptly following closure of the record in Docket TS-060061.

DATED at Olympia, Washington, and effective May 22, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge