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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**In the Matter of the Application of
KITSAP FERRY COMPANY, LLC
For a Temporary Certificate of
Public Convenience and Necessity to Operate
Commercial Ferry Service**

**Docket No. TS-040794
Application No. B-079276**

**ANSWER TO PROTEST
OF INLAND BOATMAN'S
UNION OF THE PACIFIC**

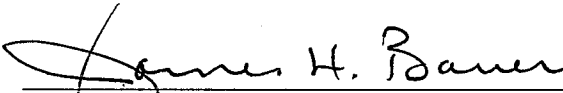
Kitsap Ferry Company, LLC, by and through its attorneys Bauer Moynihan & Johnson LLP and James H. Bauer, answers the Protest of Inland Boatman's Union of the Pacific as follows:

1. As set forth further herein, no hearing is required for disposition of this protest. Kitsap Ferry Company, LLC believes the Washington Utilities and Transportation Commission may dismiss this protest of Inland Boatman's Union of the Pacific without hearing as a matter of law. The Inland Boatman's Union of the Pacific lacks standing to protest, and any protest of the temporary certificate is inapplicable as Kitsap Ferry Company, LLC has filed an application for a permanent certificate of convenience and necessity to operate commercial ferry service within thirty days of the issuance of its temporary certificate.

- 1 2. Any hearing on this protest should be deferred until resolution of the standing issue as
2 raised in the application of Aqua Express, LLC for a certificate of public convenience
3 and necessity to operate a commercial ferry service (Docket No. TS-040650;
4 Application No. B-079273), scheduled to be heard on June 7, 2004.
- 5
- 6 3. Any protest of a temporary certificate is unnecessary and inappropriate when the
7 holder of the temporary certificate submits application for a permanent certificate
8 within thirty days of issuance of the temporary certificate, as has occurred with respect
9 to Kitsap Ferry Company, LLC. A protest, if any is allowed, should be submitted in
10 response to the application for permanent authority. WAC 480-51-060(8).

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12 DATED this 7th day of June, 2004.

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14 BAUER MOYNIHAN & JOHNSON LLP

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17 _____
18 James H. Bauer, WSBA No. 5541

19 Attorneys for Kitsap Ferry Company, LLC
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