

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of a Petition Seeking)	
Permission to Temporarily Discontinue)	DOCKET TS-001864
Commercial Ferry Service Authorized)	
Under a Certificate of Public)	ORDER GRANTING
Convenience and Necessity)	DISCONTINUANCE OF
)	SERVICE AUTHORIZED
by)	UNDER CERTIFICATE,
)	WITH CONDITIONS
PACIFIC CRUISES NORTHWEST,)	
INC., BC-10,)	
.....)	

BACKGROUND

1 On November 30, 2000, the Commission received a petition from Pacific Cruises Northwest, Inc. (PCNW), holder of certificate of public convenience and necessity Number BC-10. The petition requests that the Commission grant PCNW permission to temporarily discontinue providing the commercial ferry service authorized under its certificate of public convenience and necessity. The petition seeks a 12-month discontinuance of service under the provisions of WAC 480-51-130.

2 WAC 480-51-130 provides that:

No certificate holder shall discontinue the service authorized under its certificate and set forth in its filed time schedule without first having given to the commission and to the public, at least fifteen days' notice, in writing, of its intention to discontinue such service, and without having secured the commission's permission. The commission shall not grant permission for discontinuance of service for periods exceeding twelve months.

3 The petition cites the following as reasons for requesting the temporary service discontinuance:

- (a) PCNW is seeking to integrate regulated intrastate service on its existing international ferry route to Victoria, British Columbia. However, PCNW has been unable to resolve customs clearing logistics on San Juan Island to permit passengers to freely disembark from the vessel while enroute from Victoria. PCNW is working with the U. S. Customs Agency to resolve this issue, and anticipates resolution sometime during 2001.

- (b) PCNW is actively pursuing various alternatives in dinner, regular route, and sightseeing cruise areas. PCNW's petition states, however, that these alternatives cannot be confirmed in time for the 2001 sailing season and the preparation and printing of schedules and advertising pertinent to those alternatives.
- (c) PCNW is continuing to explore tour and commercial ferry opportunities with various public and private interests in Whatcom and San Juan County areas in order to ensure greater viability of regulated intrastate routes. The petition states that although none of PCNW's efforts has to date resulted in viable business plans, PCNW is committed to pursuing the arrangements and hopes to market or otherwise tie the proposals into its current viable international sailing route between Bellingham and Victoria offered from May to October annually.

FINDINGS

- 4 Pursuant to review of the petition, the Commission finds that granting a 12-month temporary discontinuance of service at this time is warranted. PCNW may request extensions to the discontinuance should circumstances continue to support such action. It will be PCNW's responsibility to apply to the Commission for extension at least 60 days prior to the expiration of the discontinuance authorized in this docket. That filing must be accompanied by data detailing PCNW's progress in resolving issues that resulted in PCNW's original request for a temporary discontinuance of service.
- 5 Further, the Commission will impose a condition that provides for passenger service should the need arise. Under this condition should an immediate need be demonstrated for commercial ferry service, PCNW must be prepared to resume service to meet those needs. If PCNW cannot or will not resume service the Commission will consider that PCNW has waived interest in its commercial ferry certificate. The Commission will then institute proceedings to cancel PCNW's certificate and to grant authority to another carrier that is prepared to meet the needs of the traveling public.
- 6 The Commissioners have reviewed the petition and have been fully advised in the matter. They believe granting the petition, subject to the conditions set forth below, is in the public interest, and direct the Secretary to issue the Order.

ORDER

7 THE COMMISSION ORDERS:

- 8 Permission is granted to Pacific Cruises Northwest, Inc., BC-10, to temporarily discontinue the service provided for under its commercial ferry certificate.

- 9 The discontinuance period is to begin April 12, 2001, and to expire April 11, 2002.
- 10 Pacific Cruises Northwest, Inc., may apply to the Commission to extend the period of discontinuance by filing a new petition that fully describes the need for continued discontinuance of service. That petition must be filed at least 60 days prior to the expiration date of the current discontinuance.
- 11 Should an immediate, urgent need arise for commercial ferry passenger service in the territory authorized by BC-10, Pacific Cruises Northwest, Inc., must return to service to meet that need. In the event that Pacific Cruises Northwest, Inc., cannot or will not provide such service, the Commission shall consider that Pacific Cruises Northwest, Inc., has waived interest in its certificate. The Commission will institute a proceeding to cancel the certificate of Pacific Cruises Northwest, Inc., and to grant authority to a common carrier that is prepared to meet the needs of the traveling public.

DATED and signed at Olympia, Washington this day of April, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary