

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

In re Application No. B-079240 of	)	DOCKET NO. TS-031996
	)	
PACIFIC CRUISES NORTHWEST,	)	
INC., d/b/a VICTORIA SAN JUAN	)	ORDER NO. 02
CRUISES	)	
	)	PREHEARING CONFERENCE
For a Certificate of Public	)	ORDER
Convenience and Necessity to	)	
Provide Commercial Ferry Service	)	NOTICE OF DISCOVERY
	)	CONFERENCE
	)	<b>(Set for August 10, 2004, 9:30 a.m.)</b>
.....	)	

1 **NATURE OF PROCEEDING.** Docket No. TS-031996 is an application by Pacific Cruises Northwest, Inc., d/b/a Victoria San Juan Cruises (PCN or the Applicant) for a certificate of public convenience and necessity to provide passenger-only ferry service between Bellingham and Friday Harbor, Washington.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on July 28, 2004, before Administrative Law Judge Karen M. Caillé to discuss the exchange of information between parties.

3 **APPEARANCES.** David W. Wiley, Williams, Kastner & Gibbs PLLC, Seattle, Washington, represents the Applicant, Pacific Cruises Northwest. Polly McNeil, attorney, Summit Law Group, LLC represents Protestant San Juan Island Shuttle Express, Inc. Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).

- 4 **DISCOVERY.** The parties have had difficulty working cooperatively with the informal exchange of information. While WAC 480-04-400(2)(b)(i) through (iii) does not contemplate the methods of discovery described in WAC 480-07-400(1)(c)(iii) through (vi) for ferry service applications, Protestant and Commission Staff request that the discovery rules be invoked.
- 5 WAC 480-07-400(2)(b)(iv) gives the Commission discretion to invoke the discovery rules if the Commission determines that the needs of the case require the methods of discovery specified in WAC 480-07-400. In light of the potential issues in this proceeding and the parties' difficulty in working cooperatively to exchange information, the discovery rules, WAC 480-07-400 through 425, are available to the parties.
- 6 **DISCOVERY CONFERENCE.** Applicant and Protestant have requested a discovery conference under WAC 480-07-415 to talk directly and informally about information requests, with the goal of reducing or avoiding the need for written data requests. The parties request that the Commission designate a person to facilitate the discovery conference. The Commission names Judge Dennis Moss as its designee. The parties must send Judge Moss any additions to their requests for information by close of business Friday, August 6, 2004. Please email those additional information requests to Judge Moss at [dmoos@wutc.wa.gov](mailto:dmoos@wutc.wa.gov).
- 7 **PLEASE TAKE NOTICE That the Commission will convene a discovery conference from 9:30 to 11:30 a.m., on Tuesday, August 10, 2004, in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

- 8 **PROCEDURAL SCHEDULE.** In light of the August 10, 2004, discovery conference, the filing date of August 3, 2004, for motions on the various legal issues, is cancelled. The presiding ALJ will be available following the discovery conference to discuss adjustments to the procedural schedule.

Dated at Olympia, Washington, and effective this 30th day of July, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ  
Administrative Law Judge