

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

In re Application No. B-079276 of)	DOCKET NO. TS-040794
)	
KITSAP FERRY COMPANY, LLC)	
d/b/a KITSAP FERRY CO.)	NOTICE OF PREHEARING
)	CONFERENCE
For Temporary Commercial Ferry)	(Set for June 25, 2004, 11:00 a.m.)
Authority)	NOTICE OF BRIEF ADJUDICATIVE
)	PROCEEDING
)	(Set for June 28, 2004, 1:30 p.m.)
.....)	

1 On April 29, 2004, Kitsap Ferry Company, LLC d/b/a Kitsap Ferry Co. (Kitsap Ferry or Applicant) filed an application (No. B-079276) for a temporary certificate of authority to provide passenger-only ferry service (Application), between Bremerton and Seattle. Notice of the Application was published in the Commission's weekly docket of May 17, 2004. The Commission granted the application for temporary authority on May 7, 2004, pursuant to the authority in WAC 480-51-060(1) and (3).

2 On May 21, 2004, the Inlandboatmen's Union of the Pacific filed a protest against the application pursuant to WAC 480-51-060(5). The protest contends that the grant of temporary authority was improper. A more specific statement of the issues raised in the protest is set out in the protest, which is available from the Commission upon request and is posted on the Commission's web site at www.wutc.wa.gov.

3 Pursuant to RCW 34.05.482, WAC 480-07-610, and WAC 480-51-060, the Commission determines that a brief adjudicative proceeding is appropriate for this matter.

4 The Commission has jurisdiction over this matter 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 and to what extent the protest is valid, and whether the protest is sufficient. The ultimate issue posed in this matter is whether granting the temporary certificate to Kitsap Ferry for the service it proposes was due to an immediate and urgent need, and was otherwise consistent with the public interest as required in RCW 81.84.070 and WAC 480-51-060, considering relevant factors including the factors listed in WAC 480-51-060(3).

5 Statutes involved include those within chapter 81.04 RCW, chapter 81.84 RCW, and chapter 34.05 RCW, including but not limited to RCW 34.05.431, RCW 34.05.434, RCW 34.05.437, RCW 34.05.440, RCW 34.05.443, RCW 81.84.010, RCW 81.84.020, and RCW 81.84.070. Rules involved include those within chapter 480-07 WAC and chapter 480-51 WAC, including but not limited to WAC 480-51-060.

6 THE COMMISSION GIVES NOTICE That in accordance with WAC 480-07-440(1)(a), the Commission has determined that good cause exists for this matter to be heard on shortened notice.

7 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held at 11:00 a.m., on Friday, June 25, 2004, in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** Parties may attend the prehearing via the Commission's teleconference bridge (360-664-3846). If you appear via teleconference, you must appear five minutes before the time that the conference is scheduled to begin.

8 **THE COMMISSION GIVES FURTHER NOTICE That a brief adjudicative proceeding in this matter will be held at 1:30 p.m., on Monday, June 28, 2004, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen park Drive S.W., Olympia, Washington.**

9 The purpose of the prehearing conference is to take appearances, discuss preliminary matters, to consider formulating the issues in the proceeding,

establish a procedural schedule and to determine other matters to aid in its disposition, as specified in WAC 480-07-430.

10 Notices of appearance must be filed with the Commission, as required by WAC 480-07-345(2), no later than the day prior to the conference. If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission. If you plan to attend the conference by telephone, please reserve a port on the Commission's conference bridge by calling Kippi Walker at (360) 664-1139.

11 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440. The parties are further advised that the sanction provisions of WAC 480-07-450 are specifically invoked.**

12 The names and mailing addresses of all parties and their known representatives are as follows:

Applicant: Kitsap Ferry Company, LLC
d/b/a Kitsap Ferry Co.
197 Parfitt Way S.W., Suite 100
Bainbridge Island, WA 98110
(206) 780-1440

Representative: James H. Bauer
Matthew Crane
Bauer Moynihan & Johnson LLP
2101 Fourth Avenue, Suite 2400
Seattle, WA 98121-2320
(206) 443-3400

Protestant: Inlandboatmen's Union of the Pacific
1711 W. Nickerson St., Suite D
Seattle, WA 98119
(206) 284-6001

Representative: Dmitri Iglitzin
Judith Krebs
Schwerin Campbell Barnard LLP
18 West Mercer Street, Suite 400
Seattle, WA 98119-3971
(206) 285-2828

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Lisa Watson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1186

13 Administrative Law Judge C. Robert Wallis, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.

14 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this 16th day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be address to:

Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____