

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of

Application No. B-79418 of

SEAN MCNAMARA
d/b/a PACIFIC SEA TAXI

For a Certificate of Public Convenience
And Necessity to Operate Vessels in
Furnishing Passenger Ferry Service

DOCKET NO. TS-060061

DECLARATION OF
BONNIE L. ALLEN

I, BONNIE L. ALLEN, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission and have been since 1976. Since November 2002, I have held the position of Regulatory Analyst 3 in the Commission's Water and Transportation Section.
3. My duties include reviewing applications for certificates of public convenience and necessity required to provide passenger ferry service. As part of my review, I determine whether the application is complete and whether there are any outstanding issues involving the applicant, the application, or the proposed service that must be resolved before a certificate may be issued. This has been part of my regular work responsibilities since approximately 1995.
4. On January 10, 2006, the Commission received an application from Sean McNamara d/b/a Pacific Sea Taxi ("Applicant" or "McNamara"), 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.
5. On January 20, 2006, the Commission received a protest to the application filed by Pacific Northwest Cruises, Inc., and Island Mariner, Inc. After the

case was scheduled for hearing, the parties initiated settlement negotiations, with Staff's active participation. This culminated in a Settlement Agreement by all parties filed with the Commission on May 19, 2006, which resolves all of the issues between them in this docket and results in an uncontested application for authority. The terms of the Agreement included a restriction to McNamara's application for 1) Passenger-only ferry service between Squalicum Harbor in North Bellingham and Rosario and Obstruction Pass on Orcas Island, with the existing named flag stops, and 2) an 18-passenger maximum capacity vessel.

6. This Declaration follows the Commission's Notice Establishing Process of May 22, 2006, in which the Commission asked for Staff's statement concerning its review of the relevant evidence in this proceeding and its satisfaction that the requisite showings have been made by the Applicant in its application for authority.
7. I personally reviewed the Applicant's initial application and supporting documentation. Supporting documentation included statements by the Applicant describing the need for the proposed service, a time schedule, route map, and passenger fare schedule. It also included a pro forma financial statement for Year 1, with 1) projected income and expenses, 2) ridership and revenue forecasts, 3) a cost of service statement, and 4) a cost of assets statement. I also reviewed and approved of the language describing the Applicant's amended authority in the Settlement Agreement.
8. After review of the Applicant's application and supporting materials, I have concluded that the application itself is complete. Also, the financial information is complete, and contains evidence satisfying each of the factors the Commission is to consider as listed in WAC 480-51-030(1). The Applicant's financial information appears sufficient to initiate the proposed service and operate for at least twelve (12) months.
9. The Applicant describes a currently-leased twelve-passenger vessel, *Triton*, to be used in the proposed service. This appears sufficient to initiate the proposed service.
10. To describe prior experience, the Applicant explains that Mr. McNamara has twelve years experience in the marine industry, including commercial fishing, charter, and natural history trips. It explains that Mr. McNamara has four years experience in providing charter service to the San Juan Islands,

although he has no commercial ferry experience. The applicant appears to show experience to Staff's satisfaction.

11. The application satisfies the minimum requirements by including a proposed tariff and schedule.
12. Staff finds no outstanding compliance or other actions by the Applicant before the Commission, so Staff has no reason to be concerned that the Applicant will fail to comply with regulations in the future.
13. Staff has confirmed that the Applicant has registered its trade name with Department of Licensing, holds a valid Unified Business Identifier, and holds a Department of Revenue tax account.
14. The Applicant has described the need for proposed service in his application. The Applicant's own statements of public need must be supported by independent shipper statements, particularly from those that would use the service, in order to demonstrate that public convenience and necessity support the proposed application. At this time, Staff has not analyzed the applicant's written shipper statements, so it cannot evaluate the need for service. Staff understands and expects that the Applicant will be providing independent statements to the Commission for its consideration as part of this proceeding.
15. Based on the above, I recommend that the Commission grant the authority sought by the applicant, subject to compliance with the additional requirements of RCW 81.84 prior to a certificate being issued. This includes working with staff to finalize a tariff and schedule, filing a Coast Guard Certificate of Vessel Inspection, and providing a copy of a Certificate of Vessel Insurance.

DATED this ___ day of _____ 2006 at Olympia, Washington.

BONNIE L. ALLEN