

January 28, 2005

Representative Edward B. Murray
Chair, House Transportation Committee
203 John L. O'Brien Building
P.O. Box 40600
Olympia, WA 98504-0600

Dear Representative Murray:

Thank you for your letter of January 18th regarding the schedule of a Commission hearing on the pending application of Pacific Boat Enterprises (Mosquito Fleet) for passenger-only ferry service between Southworth and Seattle, Commission Docket No. TS-042184. You asked that the Commission delay consideration of the application until the legislature has the opportunity to debate policies for ferry transportation.

While we have expedited applications for such service in the past, several factors associated with this proceeding lead us to conclude that this process cannot be conducted as quickly. A competing application has been filed by Aqua Express, Inc., Docket No. TS-050127, requiring us to delay scheduling of both applications until they have both cleared the waiting period for notice that is specified in Commission rule, WAC 480-51-040. Based on what we know about the applications at present, we think that it is unlikely that the Commission will be in a position to make a decision on either application until after the conclusion of the regular legislative session.

When the applications are ready to be set for hearing, the adjudicative process will begin with notice for a prehearing conference before an administrative law judge to resolve matters including scheduling. There, the "formal" parties will be identified, and all parties will be able to present and discuss scheduling

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proposals. In addition, the Commission expects to hold one or more hearings specifically to receive evidence from members of the public about the need for and the effects of the proposed services.

When the formal process begins, the Commission will have limited opportunity to receive comments or inquiries because of the ban in RCW 34.05.452 on communications outside the hearing. This letter will be filed in the case file, along with your letter, and will be available to parties. If you wish, whenever you have questions about pending Commission adjudications you may call or write Chris Rose at 664-1206 or Carole Washburn at 664-1174 and they will attempt to see that you get the information that you need. Thank you again for your inquiry.

Sincerely,

MARILYN SHOWALTER
Chairwoman

RICHARD HEMSTAD
Commissioner

PATRICK J. OSHIE
Commissioner