

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Annual Reports to be
Filed by Commercial Ferry Companies
under WAC 480-51-100(1) and
Regulatory Fees to be Paid under WAC
480-51-100(2) by May 1 of Each Year

DOCKET TS-200317

ORDER 01

GRANTING EXEMPTION FROM
RULES; EXTENDING ANNUAL
REPORT FILING AND
REGULATORY FEE PAYMENT
DEADLINE TO AUGUST 1, 2020

BACKGROUND

- 1 Revised Code of Washington (RCW) 81.04.080 provides that regulated public service companies must file annual reports with the Washington Utilities and Transportation Commission (Commission) on a date the Commission specifies by rule, unless additional time is granted by the Commission. Washington Administrative Code (WAC) 480-51-100(1) requires regulated commercial ferry companies to file an annual report of its operations during the preceding calendar year containing the information required by the Commission by May 1 of each succeeding year. Similarly, WAC 480-51-100(2) requires commercial ferry companies to pay by May 1 each year a regulatory fee that is set by statute at two-fifths of 1 percent of gross intrastate operating revenue. The minimum regulatory fee a commercial ferry company must pay is \$20s. The \$20 is waived for commercial ferry companies that report less than \$5,000 in gross intrastate operating revenue.
- 2 WAC 480-07-110(1) provides that the Commission, on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 3 On February 29, 2020, Governor Inslee issued Proclamation 20-05, which declared a state of emergency in all counties in the state of Washington due to the worldwide outbreak of COVID-19. On March 23, 2020, the Governor issued Proclamation 20-25, “Stay Home – Stay Healthy,” which prohibits all people in the state of Washington from leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services.

4 Due to the COVID-19 outbreak, commercial ferry companies have experienced a significant decrease in ridership, which further declined following the Governor's Proclamation restricting travel.

5 Commission staff (Staff) recommends the Commission, on its own initiative, grant a 90-day, industry-wide exemption from the annual reporting and regulatory fee requirements in WAC 480-51-100, which would extend the filing and payment deadline for commercial ferry companies until August 1, 2020.

DISCUSSION

6 We agree with Staff's recommendation. The COVID-19 pandemic and the Governor's Proclamations have severely limited travel, thus creating rapidly changing economic conditions for regulated commercial ferry companies. In light of these adverse, unforeseen circumstances, the Commission, on its own initiative, finds that it is consistent with the public interest to grant a 90-day, industry-wide exemption from WAC 480-51-100, which require regulated commercial ferry companies to file annual reports and pay regulatory fees by May 1 of each year.

7 Although Commission rules do not permit commercial ferry companies to request an extension of time for filing an annual report or paying regulatory fees, WAC 480-07-110 nevertheless authorizes the Commission to grant an exemption from any of its rules if doing so is consistent with the purposes underlying regulation, applicable statutes, and the public interest. Here, good cause exists to grant an industry-wide exemption that proactively addresses the economic impacts of the current public health crisis on the passenger transportation industry as a whole. Granting the extension will provide relief to regulated commercial ferry companies without impeding the Commission's regulatory functions, including its ability to regulate in the public interest. We therefore find that granting the exemption is consistent with the purposes underlying regulation, applicable statutes, and is in the public interest.

8 Accordingly, all regulated commercial ferry companies are granted a 90-day extension until August 1, 2020, to file their annual reports and pay their regulatory fees.

FINDINGS AND CONCLUSIONS

9 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts and affiliated interests of public service companies, including commercial ferry

companies.

- 10 (2) WAC 480-51-100(1) requires regulated commercial ferry companies to file an annual report covering its operations required by the Commission during the preceding year by May 1 of each succeeding year.
- 11 (3) WAC 480-51-100(2) requires commercial ferry companies to pay by May 1 each year a regulatory fee set by statute at two-fifths of 1 percent of gross intrastate operating revenue. The minimum regulatory fee that commercial ferry companies must pay is \$20. The \$20 minimum regulatory fee is waived for any commercial ferry company with less than \$5,000 in gross intrastate operation revenue.
- 12 (4) WAC 480-07-110(1) provides that the Commission, on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 13 (5) The COVID-19 pandemic and the Governor's Proclamations have severely limited travel, thus creating rapidly changing economic conditions for regulated commercial ferry companies.
- 14 (6) Providing an industry-wide, 90-day extension from WAC 480-51-100 is consistent with the public interest, the purposes underlying regulation, and applicable statutes in light of the COVID-19 pandemic and its economic impact on regulated commercial ferry companies. Granting the exemption will provided relief to commercial ferry companies without impeding the Commission's regulatory functions.
- 15 (7) This matter came before the Commission at its regularly scheduled meeting on April 23, 2020.
- 16 (8) The Commission should grant all regulated commercial ferry companies an extension to file annual reports and pay regulatory fees until August 1, 2020.

ORDER

THE COMMISSION ORDERS:

- 17 (1) The Commission, on its own initiative, grants an exemption from WAC 480-51-

100(1) and from WAC 480-51-100(2) to all regulated commercial ferry companies.

- 18 (2) All regulated commercial ferry companies are granted an extension until
August 1, 2020, to file their annual reports and pay their regulatory fees.
- 19 (3) The Commission retains jurisdiction over the subject matter and all regulated
commercial ferry companies to effectuate the provisions of this Order.

20 The Commissioners, having determined this Order to be consistent with the public
interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective April 23, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary