

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

In The Matter of a Petition of)	DOCKET NO. TS-030574
)	
SAN JUAN ISLAND SHUTTLE)	ORDER NO. 01
EXPRESS, INC., BC-120)	
)	
For Commission Permission)	ORDER GRANTING
Allowing Temporary)	TEMPORARY
Discontinuance of Commercial)	DISCONTINUANCE
Ferry Service.)	OF SERVICE
.....)	

BACKGROUND

- 1 On April 24, 2003, San Juan Island Shuttle Express, Inc., (Company) holder of commercial ferry certificate of public convenience and necessity BC-120, filed with the Washington Utilities and Transportation Commission a petition requesting permission from the Commission to temporarily discontinue service authorized under the company's certificate.

- 2 The Company operates annually from April through October providing commercial ferry service between Friday Harbor and Bellingham, and between Obstruction Pass and Bellingham, with the carrying vessel touching at Obstruction Pass on voyages to and from Friday Harbor. Further, in conjunction with this authority, the vessel makes flag stops at Eliza Island, Sinclair Island, Blakely Island, Lopez Island, and Orcas Landing & Brandt's Landing on Orcas Island.

- 3 The Company operates its certificate using leased vessels. In its petition the Company reports it has been unable to locate vessels and negotiate agreements for use of those vessels for the 2003 sailing season.

4 The Company requests that the Commission grant permission to temporarily discontinue service for a period of twelve months, returning to service in April, 2004. The Company believes that temporary suspension of service will allow it to locate a suitable vessel and negotiate a fair operating contract.

5 WAC 480-51-130 provides:

No certificate holder shall discontinue the service authorized under its certificate and set forth in its filed time schedule without first having given to the commission and to the public, at least fifteen days' notice, in writing, of its intention to discontinue such service, and without having secured the commission's permission. The commission shall not grant permission for discontinuance of service for periods exceeding twelve months.

FINDINGS AND CONCLUSIONS

- 6 (1) San Juan Island Shuttle Express, Inc., BC-120, is engaged in the business of providing commercial ferry service within the state of Washington as a public service company, and is subject to the jurisdiction of the Commission. *Chapter 81.84 RCW and WAC 480-51.*
- 7 (2) On April 24, 2003, San Juan Island Shuttle Express, Inc., filed with the Commission a petition requesting Commission permission to discontinue service authorized by the Company's certificate of public convenience and necessity, BC-120. The discontinuance requested by the company encompasses the period of April 25, 2003, to April 24, 2004.

- 8 (3) The proposed discontinuance petition by San Juan Island Shuttle Express, Inc., BC-120, is reasonable because the boats the Company normally leases to provide this service are not available this year. The Commission will impose a condition that provides for passenger service should an immediate and emergent need arise. Under this condition, should an immediate need arise for commercial ferry service, San Juan Island Shuttle Express, Inc., must be prepared to resume service to meet those needs. If San Juan Island Shuttle Express, Inc., cannot, or will not, resume service the Commission will deem that it has waived interest in its commercial ferry certificate. The Commission will then institute proceedings to cancel the Company's certificate and to grant authority to another carrier who is prepared to meet the needs of the traveling public.
- 9 (4) This matter was brought before the Commission at its regularly scheduled open meeting on April 30, 2003.

ORDER

- 10 (1) Permission is given to San Juan Island Shuttle Express, Inc., BC-120, to temporarily discontinue service authorized under its certificate of public convenience and necessity for the period April 25,2003, to April 24, 2004.
- 11 (2) This authorization is conditioned on San Juan Island Shuttle Express, Inc., resuming service should an immediate need arise for commercial ferry service. San Juan Island Shuttle Express, Inc., BC-120 must be prepared to resume service to meet those needs. If San Juan Island Shuttle Express, Inc., BC-120 cannot, or will not, resume service the Commission will deem that the Company has waived interest in its commercial ferry certificate. The Commission will then institute

proceedings to cancel the Company's certificate and to grant authority to another carrier who is prepared to meet the needs of the traveling public.

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

DATED at Olympia, Washington, and effective this 30th day of April, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary