

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

In the Matter of the Petition of	)	DOCKET NO. TS-031056
	)	
Richard C. Sturgill d/b/a	)	ORDER NO. 01
The Semiahmoo Bay Ferry Service,	)	
	)	
Petitioner,	)	
	)	
Petition for Extension of Time to	)	
Initiate Ferry Service and Seeking	)	
an Exemption from the Ninety-	)	
Day Prior Notice Requirement to	)	ORDER GRANTING A ONE-
File a Petition in WAC 480-51-120	)	YEAR EXTENSION OF TIME TO
Relating to Failure to Initiate	)	INITIATE SERVICE AND ORDER
Service – Extensions of time to	)	GRANTING AN EXEMPTION
Initiate service – Progress reports.	)	FROM RULE
.....	)	

**BACKGROUND**

- 1     On June 2, 2003, Richard C. Sturgill d/b/a The Semiahmoo Bay Ferry Service (Company), holder of commercial ferry certificate of public convenience and necessity BC-122, filed a petition requesting permission from the Commission for an extension of time to initiate ferry service between Blaine Harbor and Semiahmoo Spit.
- 2     In addition, an exemption from WAC 480-51-120 is needed. WAC 480-51-120 (4)(a)(i) requires a petition for an extension of time to initiate service to be filed ninety days prior to the expiration of the five-year period after obtaining the certificate. Richard C. Sturgill was granted a certificate to provide ferry passenger service on April 1, 1998. Compliance with the rule would have required Richard C. Sturgill to file the petition not later than January 1, 2003.

- 3 Richard C. Sturgill has filed required reports explaining the progress that has been made toward initiating ferry service. The Company believes the docking facilities at either end of the proposed route do not support modern ferry passenger service at this time. However, the Whatcom Council of Governments (Council) has undertaken a study to determine the feasibility of passenger ferry service. The study includes the feasibility of passenger ferry service on the routes proposed by Richard C. Sturgill. The Council expects the study to be completed by December 2004. If the study determines modern passenger ferry service is feasible, the Company believes funding can be sought to improve the docking facilities that in turn would allow the Company to obtain funding for a modern passenger ferry.
- 4 Through a non-profit organization, the Drayton Harbor Maritime Museum, Richard C. Sturgill provides a non-regulated passenger ferry service between Blaine and Semiahmoo. This service uses the historical MV Plover ferry vessel and is supported by a hotel-motel tax and donations. Mr. Sturgill's stewardship of the MV Plover has provided an on-going presence in the community and makes him uniquely qualified to operate a for-hire passenger ferry service.
- 5 The Company asks for an extension of time to initiate passenger ferry service as allowed in WAC 480-51-120(2)(a) which states:

If a certificate holder has not initiated all or any portion of the route or routes granted in its certificate during the first five years after obtaining the certificate, the certificate holder may petition the commission to extend the certificate on a twelve-month basis for up to three years.

6 Staff requests an exemption from the ninety-day prior notification requirement to file a petition to initiate service be granted to the Company.

### FINDINGS AND CONCLUSIONS

7 (1) Richard C. Sturgill, BC-122, was granted a certificate to provide commercial passenger 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 Chapter 480-51 WAC.*

8 (2) On June 2, 2003, Richard C. Sturgill, filed with the Commission a petition requesting the Commission grant an extension of time to initiate service and Staff requested an exemption from the ninety-day prior notice requirement to file a petition on behalf of the Company.

9 (3) The proposed discontinuance petition filed by Richard C. Sturgill, is reasonable because a passenger feasibility studying is being conducted by the Whatcom Council of Governments and the results of the study are not yet known. No other company has applied for a certificate to provide ferry service on the same route granted to Richard C. Sturgill. Granting an exemption to the ninety-day prior notice filing requirement is reasonable because it is necessary to grant the Company's petition.

10 (4) This matter was brought before the Commission at its regularly scheduled open meeting on October 29, 2003.

**ORDER**

THE COMMISSION ORDERS:

- 11 (1) An extension of time to initiate passenger ferry service is granted to Richard C. Sturgill d/b/a The Semiahmoo Bay Ferry Service, BC-122 , until April 1, 2004.
- 12 (2) An exemption from WAC 480-51-120, that requires ninety-days prior notice for filing a petition for an extension to initiate service, is granted to Richard C. Sturgill d/b/a The Semiahmoo Bay Ferry Service, BC-122.

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 29<sup>th</sup> day of October, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary