

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

In the Matter of the Petition of)	DOCKET NO. TS-040758
)	
San Juan Island Shuttle Express, Inc., BC-120)	ORDER NO. 01
)	
Petitioner,)	
)	
For Commission Permission)	ORDER GRANTING
Allowing Temporary)	TEMPORARY
Discontinuance of Commercial)	DISCONTINUANCE OF
Ferry Service.)	SERVICE
.....)	

BACKGROUND

- 1 On March 26, 2004, San Juan Island Shuttle Express, Inc. (San Juan or 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 for an additional one year temporary discontinuance of service authorized under the Company's certificate.
- 2 The Company normally operates annually from May through October providing commercial ferry service between Friday Harbor and Bellingham and between Obstruction Pass and Bellingham.
- 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 2004 sailing season, and that such a suspension will provide sufficient time to make the necessary arrangements for next year's operations.

- 4 In 2002 in Docket TS-020464, the Company asked for its first temporary discontinuance of seasonal service authorized under its certificate of public convenience and necessity for the period of from April 2002 to April 2003, and the Commission granted the request. Last year in Docket TS-030574, the Company asked for its second temporary discontinuance of seasonal service authorized under its certificate of public convenience and necessity for the period from April 25, 2003, to April 24, 2004, and the Commission granted that request. The instant petition represents the company's third consecutive request for a discontinuance.
- 5 In its petition the Company represents that such a temporary suspension will not adversely affect the public since parallel service is offered by Island Mariner, Inc., under Certificate BC-95.
- 6 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

- 7 (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.*

- 8 (2) On April 26, 2004, San Juan Island Shuttle Express filed a petition requesting Commission permission to discontinue service between Friday Harbor and Bellingham and between Obstruction Pass and Bellingham as authorized by the Company's certificate of public convenience and necessity, BC-120. The discontinuance requested by the Company encompasses the period of May 13, 2004, to May 12, 2005, and this is the third such request for a temporary discontinuance by the Company.
- 9 (3) The proposed temporary discontinuance petition by San Juan Island Shuttle Express is reasonable because the Company has not been able to locate a vessel or negotiate a suitable lease to operate this route.
- 10 (4) This matter was brought before the Commission at its regularly scheduled open meeting on May 12, 2004.

ORDER

THE COMMISSION ORDERS:

- 11 (1) Permission is given to San Juan Island Shuttle Express, Inc., BC-120, to temporarily discontinue service to Rosario authorized under its certificate of public convenience and necessity for the period May 13, 2004, to May 12, 2005.
- 12 (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 12th day of May, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary