

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

In the Matter of the Petition of)	DOCKET TS-080790
)	
BILL WALSH DBA WESTPORT)	ORDER 01
OCEAN SHORES PASSENGER)	
FERRY,)	
)	
Petitioner,)	
)	
Relating to Discontinuance of)	
Commercial Ferry Service Authorized)	ORDER GRANTING TEMPORARY
by Certificate of Convenience and)	DISCONTINUANCE OF
Necessity No. BC-109)	SERVICE
.....)	

BACKGROUND

- 1 On May 5, 2008, Bill Walsh d/b/a Westport Ocean Shores Passenger Ferry, (Bill Walsh or Company), operating under certificate of public convenience and necessity BC-109, filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting the Commission grant a temporary discontinuance of service authorized under Bill Walsh’s certificate of public convenience and necessity.
- 2 Bill Walsh operates annually from May through September, providing commercial foot ferry service between Westport, Washington and Ocean Shores, Washington.
- 3 The Company states in its petition that the approach to the Ocean Shores landing dock is too shallow to safely navigate and that dredging is necessary to allow safe docking. Bill Walsh believes the ferry cannot operate safely until the approach to the Ocean Shores dock is dredged a minimum of five feet. There are currently no plans or funds available to dredge the approach to the Ocean Shores dock.
- 4 The Company requests that it be allowed to temporarily discontinue service for a period of twelve months, beginning May 29, 2008, returning to service on May 28, 2009.

5 Commission Staff reviewed the petition and recommended that Bill Walsh's petition be granted. The shallow approach to Ocean Shores presents a safety hazard that can only be corrected by dredging the landing approach.

FINDINGS AND CONCLUSIONS

- 6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including commercial ferry companies. *RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.08, RCW 81.12, RCW 81.16 and RCW 81.84.*
- 7 (2) Bill Walsh, operating under certificate of public convenience and necessity BC-109, is engaged in the business of providing commercial ferry service within the state of Washington as a public service company, and is subject to Commission jurisdiction.
- 8 (3) Under WAC 480-51-130, a commercial ferry company must request approval from the Commission to discontinue some or all of its operations. The company must provide 15 days' notice to the Commission and the public before the effective date of the discontinuance. The Commission shall not grant a discontinuance of service for a period longer than twelve months.
- 9 (4) This matter came before the Commission at its regularly scheduled open meeting on May 28, 2008.
- 10 (5) The petition Bill Walsh filed on May 5, 2008, should be granted, authorizing Bill Walsh to temporarily discontinue service from May 29, 2008, until May 28, 2009.

O R D E R

THE COMMISSION ORDERS:

- 11 (1) The petition Bill Walsh d/b/a Westport Ocean Shores Passenger Ferry filed on May 5, 2008, requesting permission to temporarily discontinue service authorized by certificate of public convenience and necessity BC-109 is granted.
- 12 (2) The temporary discontinuance is effective from May 29, 2008, until May 28, 2009.
- 13 (3) Should an immediate need arise for commercial ferry service, Bill Walsh d/b/a Westport Ocean Shores Passenger Ferry must be prepared to resume service to meet those needs. If Bill Walsh d/b/a Westport Ocean Shores Passenger Ferry cannot, or will not, resume service, the Commission will deem that Bill Walsh d/b/a Westport Ocean Shores Passenger Ferry has waived interest in its commercial ferry certificate of public convenience and necessity BC-109, and will grant authority to another carrier who is prepared to meet the needs of the traveling public. The Commission will then institute proceedings to cancel Bill Walsh d/b/a Westport Ocean Shores Passenger Ferry'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 Executive Secretary to enter this Order.

DATED at Olympia, Washington, and effective May 28, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary