

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

In the Matter of the Petition of	)	DOCKET TS-090546
	)	
BILL WALSH D/B/A 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 April 14, 2009, Bill Walsh d/b/a Westport Ocean Shores Passenger Ferry (Bill Walsh or Company), authorized to provide service 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.
- 2     Bill Walsh operates annually from May through September providing commercial ferry service between Westport, Washington and Ocean Shores, Washington.
- 3     Bill Walsh states in his petition that the approach to the Ocean Shores landing dock is too shallow to safely navigate and needs to be dredged by a minimum of five feet to allow safe docking. The Quinault Tribe, the Army Corps of Engineers, and local and national elected officials are all working to acquire funding for the dredging. The Company does not believe the dredging will be completed in time for the 2009 sailing season.
- 4     Bill Walsh requests that he be allowed to temporarily discontinue service for a period of twelve months, beginning May 24, 2009, returning to service on May 23, 2010. Bill Walsh believes funding for the project may become available in 2009 and the ferry service could possibly resume in 2010.

5 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.

6 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

7 (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.*

8 (2) Bill Walsh 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.

9 (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.

10 (4) This matter came before the Commission at its regularly scheduled open meeting on May 14, 2009.

11 (5) The petition Bill Walsh filed should be granted, authorizing Bill Walsh to temporarily discontinue service from May 24, 2009, until May 23, 2010.

**O R D E R**

**THE COMMISSION ORDERS:**

- 12 (1) The petition Bill Walsh d/b/a Westport Ocean Shores Passenger Ferry filed requesting permission to temporarily discontinue service authorized by certificate of public convenience and necessity BC-109 is granted.
- 13 (2) The temporary discontinuance is effective from May 24, 2009, until May 23, 2010.
- 14 (3) Should an immediate need arise for commercial ferry service, Bill Walsh d/b/a Westport Ocean Shores Passenger Ferry, holding certificate BC-109, must be prepared to resume service to meet those needs. If the Company cannot, or will not, resume service, the Commission will deem that the Company has waived interest in its commercial ferry certificate of public convenience and necessity 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 Director and Secretary to enter this Order.

DATED at Olympia, Washington, and effective May 14, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary