

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

In the Matter of the Petition of)	DOCKET TS-100421
)	
LAKE CHELAN RECREATION,)	ORDER 01
INC., D/B/A LAKE CHELAN BOAT)	
COMPANY, LADY OF THE LAKE,)	
BC-34,)	
)	
Petitioner,)	
)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-149-060)	
Relating to Rules for the Redemption)	ORDER GRANTING
of Unused Tickets)	EXEMPTION FROM RULE
.....)	

BACKGROUND

- 1 On March 9, 2010, Lake Chelan Recreation, Inc., d/b/a Lake Chelan Boat Company, Lady of the Lake, (LCR or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an exemption from WAC 480-149-060 relating to the rules for the redemption of unused tickets and to approve the Company’s current rule published in its Tariff No. 63.

- 2 The content and format of Commercial Ferry company tariffs are specified in WAC 480-149, Tariff Circular No. 6. The Company’s petition requests an exemption of WAC 480-149-060 (1)(a) which states:

Unused tickets will be redeemed at the purchase price. Unused portions of round trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used and refunding the balance of the purchase price.

- 3 LCR’s current Tariff No. 63, Item 60 contains the following provisions:

REDEMPTION OF TICKETS or COMMUTER TICKETS

- (A) Except as provided in Paragraphs (B) thru (D) of this item, tickets sold will be redeemed to the original purchaser as follows:
 - (1) Unused round-trip and one-way tickets: full purchase price if presented for redemption prior to the date of travel.

- (2) Round-trip tickets, where on the going portion has been used: No refund will be given for the return portion of a round-trip ticket.
- (3) Unused portions of commuter tickets: Charging the regular round-trip fares and the regular one-way fare as necessary for each ride used and refunding the balance of the purchase price of the ticket packet. Tickets that have been purchased with no rides used will be refunded at the original purchase price.
- (B) Tickets purchased in advance, for passage on the “Lady Express” May thru October 15, will be refunded in full if requested within two days prior to the scheduled departure. No refunds will be made for no-shows.
- (C) Tickets will be honored for travel by the original purchaser on a day other than the ticket date, on a space available basis, and if within one year of the purchase date, if they were not used for the original date of travel.
- (D) Tickets will be good for one year from the date of purchase.

4 Although the Commission approved this tariff, which became effective by operation of law, Staff noted that the Commission has not approved the exemption of WAC 480-149-060 (1)(a) and has not issued a special permission number, as specified in WAC 480-149-200.

5 In its petition of March 9, 2010, LCR provided the following support for its existing Item 60 rules:

- Tickets for either the Lady Express or the Lady of the Lake II are sold for a particular date and time of voyage. Refunding no-shows without the required 48 hour notice both deprives the Company of revenues and potential customers with an opportunity to travel on a specific date, particularly in the peak summer months when boats can, and do, sell out.
- Tickets not used for the original date of travel will be honored for travel by the original purchaser on a day other than the ticket date, on a space available basis, and if used within one year of the purchase date.

6 Commission Staff reviewed the request and recommended granting the Company’s request for exemption and approving the provisions set forth in paragraph three of this Order, subject to the following condition:

That LCR file a 6th Revised Page 5 to its Tariff No. 63 within five business days of issuance of this order that publishes the provisions set forth in paragraph three of this Order and the Commission's special permission number (Order 01, TS-100421).

FINDINGS AND CONCLUSIONS

- 7 (1) The 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 ferries. *RCW 80.01.040, RCW 81.01, RCW 81.04RCW 81.08, RCW 81.12, RCW 81.16, RCW 81.28 and RCW 81.84.*
- 8 (2) LCR is engaged in the business of providing commercial ferry services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 9 (3) LCR is subject to WAC 480-149-060 (1)(a), which requires unused tickets to be redeemed at their purchase price and unused portions of round trip or commutation tickets be redeemed by charging the regular fare or fares for the portion or portions used and refunding the balance of the purchase price.
- 10 (4) Under WAC 480-149-200, the Commission may grant an exemption from the provisions of any rule in WAC 480-149, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 11 (5) This matter came before the Commission at its regularly scheduled meeting on April 15, 2010.
- 12 (6) After review of the petition filed in Docket TG-100421 by Lake Chelan Recreation, Inc., d/b/a Lake Chelan Boat Company, Lady of the Lake on March 9, 2010, and giving due consideration, the Commission finds that the requested exemption and approval of the provisions set forth in paragraph three of this Order is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 13 (1) After the effective date of this Order, Lake Chelan Recreation, Inc., d/b/a Lake Chelan Boat Company, Lady of the Lake, is granted an exemption from WAC 480-149-060 (1)(a) and the Commission approves the provisions set forth in paragraph three of this Order. The Commission assigns Order 01, TS-100421 as the special permission number to be used by Lake Chelan Recreation, Inc., d/b/a Lake Chelan Boat Company, Lady of the Lake in its Tariff No. 63, Item 60 as specified in WAC 480-149-200.
- 14 (2) Lake Chelan Recreation, Inc., d/b/a Lake Chelan Boat Company, Lady of the Lake shall file a 6th Revised Page 5 to its Tariff No. 63 within five business days of issuance of this order, publishing the provisions set forth in paragraph three of this Order and referencing the Commission's special permission number.
- 15 (3) The Commission retains jurisdiction over the subject matter and Lake Chelan Recreation, Inc., d/b/a Lake Chelan Boat Company, Lady of the Lake, to effectuate the provisions of this Order.

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 April 15, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary