

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

In the Matter of the Petition of)	DOCKET TS-100863
)	
PUGET SOUND EXPRESS, INC.,)	ORDER 01
BC-118)	
)	
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 May 18, 2010, Puget Sound Express, Inc., (Puget Sound Express 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 approval of the Company’s current rule published in its Tariff No. 5.

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 from 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 Puget Sound Express’s current Tariff No. 5, Page 2, Ticket Limitations contains the following provisions:

**PASSENGER SERVICE RULES AND REGULATIONS, PORT
TOWNSEND – FRIDAY HARBOR; TICKET LIMITATIONS**

Tickets are nonrefundable 48 hours prior to departure. Reservations held by credit card will be charged upon failure to cancel 48 hours ahead. Tickets are nontransferable.

4 Although Tariff No. 5, Page 2 became effective on February 25, 2002, by operation of law, Staff noted that the Commission has not approved an exemption to 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 May 17, 2010, Puget Sound Express provided the following support for its existing Ticket Limitations rules:

- “Passengers receive tickets for a specific date, both going and returning. Occasionally, the vessel fills to capacity. Therefore if a passenger reserves space and does not travel on that date, and it is a full sailing, they have caused other customers to be turned away and caused that sailing to be a less profitable sailing, thus potentially causing future increases in rates.”
- “It is important to note that when Puget Sound Express is informed by the passenger that they have difficulty in keeping their reservation (within the 48 hour time frame) we will work with them, on a space available basis, for another date. There is no time limit to tickets being honored for travel by the original purchaser on a day other than their original confirmed reservation.”
- “Passengers are not charged if they cancel 48 hours prior to departure. This information is on our website, brochure and given to the passenger when they make a reservation.”

6 Commission Staff reviewed the request and recommended granting Puget Sound Express’s request for exemption and approving the provisions set forth in paragraph three of this Order.

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) Puget Sound Express 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) Puget Sound Express 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 June 24, 2010.
- 12 (6) After review of the petition filed in Docket TS-100863 by Puget Sound Express on May 17, 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 are in the public interest and 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, Puget Sound Express, Inc., 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-100863 as the special permission number to be used by Puget Sound Express, Inc., in its Tariff No. 5, Page 2 as specified in WAC 480-149-200.
- 14 (2) Puget Sound Express, Inc., shall file a 1st Revised Page 2 to its Tariff No. 5 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 Puget Sound Express, Inc., 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 June 24, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary