

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Cancellation of the
Commercial Ferry Certificate Held by

ARGOSY, LP,

for Failure to File an Annual Report and
pay Regulatory Fees

DOCKET TS-220869

ORDER 01

CANCELLING CERTIFICATE

BACKGROUND

- 1 Commercial Ferries regulated by the Washington Utilities and Transportation Commission (Commission) must file annual reports and pay regulatory fees annually pursuant to Revised Code of Washington (RCW) 81.04.080, RCW 81.84.060, and Washington Administrative Code (WAC) 480-51-100. Under the authority of RCW 81.04.080, RCW 81.84.060, WAC 480-51-100(2)(f) and WAC 480-51-150(1), the Commission may cancel a commercial ferry's certificate for failure to file an annual report or pay a regulatory fee.
- 2 On December 8, 2023, the Commission served Argosy, LP, (Argosy or Company) with a Notice of Intent to Cancel Certificate of Public Convenience and Necessity to Operate as a Commercial Ferry and Opportunity to Request a Hearing (Notice) for failure to file the annual report and pay the regulatory fees that were due May 1, 2022.¹ The Notice informed Argosy that the Commission would cancel the Company's certificate without further notice unless the Company filed its delinquent annual report and paid its delinquent regulatory fee or requested a hearing to demonstrate why its certificate should not be cancelled within 30 days of the date the Notice was served.²
- 3 Argosy failed to submit a 2021 annual report or pay the 2022 regulatory fee to the Commission, and the Commission did not receive a request for hearing from the Company.

¹ Argosy holds authority to operate as a commercial ferry under certificate BC000101.

² Under WAC 480-07-150(4), the Commission may serve documents electronically except where proof of service is required by law. The Commission's Final Order adopting changes to WAC 480-07 accepted Staff's position that electronic service is acceptable for commencing adjudicative proceedings against regulated companies. *See* General Order 588 – Final Adoption Order – WSR 17-06-051, Docket A-130355 ¶16 and Appendix A (March 2, 2017).

DISCUSSION AND DECISION

- 4 The Commission exercises its discretion to cancel the Company's commercial ferry certificate. The Commission's ultimate goal in any enforcement action is to ensure compliance with the statutes and rules that the Commission administers. Pursuant to RCW 81.04.080, RCW 81. 84.060, WAC 480-51-100, commercial ferries must submit annual reports and regulatory fees to the Commission by May 1 of each year. The Company did not make the requisite submissions. Accordingly, the Commission notified the Company that its certificate would be cancelled unless the Company attained compliance or requested a hearing within 30 days. The Company did not come into compliance or otherwise respond.
- 5 We find that the Company's failure to file its annual report and pay its regulatory fee is a willful violation of the laws and rules the Commission is charged with enforcing. WAC 480-51-150 provides that the Commission may cancel a certificate for cause, which includes failure to file an annual report or pay required regulatory fees. The failure of the Company to file annual reports and pay regulatory fees is cause to cancel the Company's certificate.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the State of Washington with the authority to regulate commercial ferries as defined in RCW 81.84.
- 7 (2) The Company is a public service company as defined in RCW 81.04.010 and holds authority from the Commission to operate as commercial ferry.
- 8 (3) On December 8, 2022, the Commission notified the Company that its certificate to operate as a commercial ferry would be cancelled if the Company failed to file an annual report and pay regulatory fees within 30 days. The Commission also notified the Company that it could request a hearing to contest cancellation of its certificate.
- 9 (4) The Company has not filed an annual report or paid regulatory fees, which were due May 1, 2022.
- 10 (5) The Commission provided notice of its intent to cancel the Company's certificate and notice of the opportunity for a hearing, but the Company did not request a hearing.
- 11 (6) Under WAC 480-51-150(1), the Commission may cancel a commercial ferry's certificate for cause, including failure to file an annual report or pay required regulatory fees.

- 12 (7) The failure of the Company to file an annual report and regulatory fees due May 1, 2022, constitutes cause to cancel its commercial ferry certificate.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The commercial ferry certificate held by Argosy, LP, is cancelled effective on the date this Order is served.
- 14 (2) Argosy, LP, is directed to **cease** all operations associated with its commercial ferry certificate.
- 16 The Commission has delegated authority to the Administrative Law Director, or an administrative law judge the Administrative Law Director delegates, to enter this Order under WAC 480-07-917(5).

DATED at Olympia, Washington, and effective February 1, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson

RAYNE PEARSON

Administrative Law Director

NOTICE TO PARTIES: This is an order delegated to the Administrative Law Director for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.