

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of	)	DOCKET TS-111927
	)	
SEAN MCNAMARA d/b/a	)	ORDER 02
BELLINGHAM WATER TAXI	)	
	)	
For a Certificate of Public Convenience	)	INITIAL ORDER GRANTING
and Necessity to Operate Vessels in	)	MOTION TO WITHDRAW
Furnishing Passenger Ferry Service	)	APPLICATION; CLOSING DOCKET
	)	
	)	
.....	)	

**BACKGROUND**

- 1 On November 4, 2011, Sean McNamara d/b/a Bellingham Water Taxi (Bellingham Water Taxi) filed with the Washington Utilities and Transportation Commission (Commission) an application for a certificate of public convenience and necessity to operate vessels in furnishing passenger-only ferry service between Squalicum Harbor, Bellwether Hotel, Bellingham Cruise Terminal, Eliza, Vendovi, Sinclair, Cypress, Obstruction Pass, Olga, Rosario, Lopez (Odlin Park), and Blakely. The Commission convened a prehearing conference in this docket at Olympia, Washington on February 6, 2012. The Commission adopted a procedural schedule for this proceeding in Order 01, including setting an evidentiary hearing for March 26, 2012 at 9:30 a.m. at the Commission’s office in Olympia, Washington.
  
- 2 On March 8, 2012, Commission Staff filed a letter with the Commission indicating that the parties had reached an agreement in principle to settle this matter. Staff requested that the procedural schedule be suspended and the hearing scheduled for March 26, 2012 be cancelled. On March 13, the Commission granted this request and set a date for a status report. The date for the status report was extended twice at the request of the parties.
  
- 3 On May 31, 2012, Sean McNamara filed a letter requesting to withdraw his application. He indicated that the matter at issue was resolved by the transfer of a portion of a commercial ferry certificate in Docket TS-120446 and that all parties to this matter support the request to withdraw the application in Docket TS-111927.

**DISCUSSION**

4 *Motion to Withdraw Application.* The Commission's rule, WAC 480-07-380(3)(b), provides that a party may withdraw from a proceeding only upon permission granted by the Commission if the Commission has commenced an adjudicative proceeding. The Commission will grant a party's motion if it is in the public interest. In this case, Sean McNamara d/b/a Bellingham Water Taxi no longer wishes to pursue his application and there is no opposition. The Commission concludes that withdrawal of the application is in the public interest under these circumstances.

**ORDER**

THE COMMISSION ORDERS That:

- 5 (1) The motion of Sean McNamara d/b/a Bellingham Water Taxi to withdraw his application is granted.
- 6 (2) Docket TS-111927 is closed.

DATED at Olympia, Washington, and effective June 4, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARTIN LOVINGER  
Administrative Law Judge

### NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An original and **seven (7)** copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250