

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

FRIDAY HARBOR JOLLY  
TROLLEY, INC.

Petitioner,

Requesting Forbearance from Rate and  
Service Regulation as an Auto  
Transportation Company Under  
RCW 81.68.015

DOCKET TC-160821

ORDER 01

ORDER GRANTING  
FORBEARANCE FROM RATE  
AND SERVICE REGULATION AS  
AN AUTO TRANSPORTATION  
COMPANY

**BACKGROUND**

- 1 Friday Harbor Jolly Trolley, Inc., d/b/a Friday Harbor Jolly Trolley (Jolly Trolley, or Company) holds Charter and Excursion authority under certificate CH067128 and seeks to provide passenger service from Friday Harbor to various points on San Juan Island. Jolly Trolley provides guided tours of San Juan Island to educate clients about each destination prior to arrival, regarding marine and wildlife, rescue and preservation. The Company offers a video and volunteer tour guide on the bus.
- 2 Because the Company allows passengers to embark and disembark from the trolley at will, the service qualifies as auto transportation service under RCW 81.68.010. Jolly Trolley was notified by Commission Staff that a certificate of convenience and necessity would be required in order to provide auto transportation service.
- 3 On June 21, 2016, Jolly Trolley filed with the Washington Utilities and Transportation Commission (Commission) an application requesting that the Commission forbear from rate and service regulation under RCW 81.68.015, which exempts service carrying passengers for compensation if that service is not an essential transportation service, is solely for recreation and would not adversely affect a holder of an auto transportation certificate.
- 4 Commission Staff reviewed the request and supports Jolly Trolley's request for forbearance from rate and service regulation because these services:
  - a) do not serve an essential transportation service;
  - b) are solely for recreation; and

- c) would not adversely affect operations of any other certificate holder.

According to Commission Staff, transportation to various parks, trail heads, resorts, hotels, motels, bed and breakfast, art galleries, wineries, animal farms, and beach access points is not essential and should be considered recreational in nature. In addition as of the date of this filing, there are no active auto transportation certificates in the of San Juan Island area. Commission Staff concludes that the service provided by Jolly Trolley meets the exemption criteria of RCW 81.68.015.

### FINDINGS AND CONCLUSIONS

- 5 (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, and affiliated interests of public service companies, including solid waste companies.
- 6 (2) Jolly Trolley is a public service company subject to Commission jurisdiction.
- 7 (3) This matter came before the Commission at its regularly scheduled meeting on August 4, 2016.
- 8 (4) Jolly Trolley's proposed transportation service on San Juan Island does not serve an essential transportation service, is solely for recreation, and will not adversely affect the operations of any other auto transportation certificate holder.
- 9 (5) Commission Staff supports the Company's petition for forbearance from rate and service regulation under RCW 81.68.015 in order to provide non-essential recreational transportation.
- 10 (6) Jolly Trolley's petition for forbearance from rate regulation and service regulation is in the public interest and should be granted.

**O R D E R**

**THE COMMISSION ORDERS:**

- 11* (1) The request from Friday Harbor Jolly Trolley Inc., for forbearance from rate and service regulation under RCW 81.68.015 is granted.

DATED at Olympia, Washington, and effective August 4, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

PHILIP B. JONES, Commissioner

ANN E. RENDAHL, Commission

