

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of  
AQUA EXPRESS LLC  
For Certificate of Public Convenience and  
Necessity to Operate Commercial Ferry Service

DOCKET NO. TS-040650  
APPLICATION NO. B-079273  
  
SUMMARY DESIGNATION OF  
APPLICANT AQUA EXPRESS LLC'S  
HEARING WITNESSES

Applicant Aqua Express LLC designates the following witnesses to testify in its behalf  
at the proceeding:

A. Darrell Bryan. Mr. Bryan is one of the principals of the members owning Aqua  
Express LLC. Mr. Bryan will address the creation of Aqua Express LLC, the enterprise's  
impetus for and analysis of the prospective market for the route, the proposed vessel to be  
operated, time schedule, tariff, vessel certification and general qualification issues with respect  
to the operating fitness of Aqua Express LLC. Mr. Bryan will also speak to the experience of  
the principals in the commercial passenger-only ferry business, and generally address proposed  
docking and ground arrangements for the service.

B. David Tougas, CPA. Mr. Tougas is an officer of one of the members of Aqua  
Express LLC and Chief Accounting Officer of Applicant. He will address the financial fitness

SUMMARY DESIGNATION OF APPLICANT AQUA EXPRESS  
LLC'S HEARING WITNESSES- 1

**Williams, Kastner & Gibbs PLLC**  
Two Union Square, Suite 4100 (98101-2380)  
Mail Address: P.O. Box 21926  
Seattle, Washington 98111-3926  
(206) 628-6600

1 of the Applicant, including sponsorship of exhibits addressed to the statutory requirements for  
2 financial fitness under RCW 81.84.020. Mr. Tougas will explain exhibits such as the revised  
3 Balance Sheet and discuss various ridership and revenue forecasts attendant to the proposed  
4 operation to establish Applicant's financial resources to initiate and continue the service into  
5 the future.

6 C. Richard Hayes, Director, Kitsap Transit. Mr. Hayes will address the approval  
7 by the local public transportation benefit authority in Kitsap County, Kitsap Transit, and its  
8 endorsement of the proposed commercial ferry service to be linked to the ground offerings of  
9 Kitsap Transit within Kitsap County. As an agency "eligible to, or operating" commercial  
10 passenger-only ferries, Mr. Hayes will be asked to assess the impact on his agency of the grant  
11 of this Application and some of the specific reasons for Kitsap Transit's support for the  
12 Application.

13 D. Ray Deardorf. Ray Deardorf, Director of Planning for the Washington State  
14 Ferry System, will also be asked to assess the impact of the proposed Application on the  
15 Washington Department of Transportation which included the Washington State Ferry System.  
16 Recognizing his agency's role in this action is currently a contested legal issue in the  
17 proceeding by virtue of the Staff's pending Petition for Interlocutory Review, Mr. Deardorf's  
18 testimony will be presented without regard to any pending Commission ruling on interlocutory  
19 review at Order No. 2, should the issue remain unresolved. Mr. Deardorf will be questioned on  
20 the overall impact upon his agency of the launch of the proposed commercial passenger-only  
21 ferry service, and why the Washington State Ferry System eliminated its previous proposal to  
22 expand the use of commercial passenger-only ferry service on the Kingston-Seattle and other  
23 prospective Puget Sound routes. Mr. Deardorf will also be asked to put into context the  
24 financial and operational impact of this proposed service on the Department of Transportation  
25

1 and explain what role, if any, the Ferry System envisions for private operators in the future in  
2 providing waterborne transportation system on Puget Sound.


3 E. Public Witnesses. Public Witnesses called by Applicant will be disclosed by  
4 June 28, 2004.

5 Applicant expressly reserves the right to call any additional witnesses at the hearing on  
6 Application B-079273 should that be required and as permitted by this Commission.

7 DATED this 16 day of June, 2004.

8 Respectfully submitted,

9 WILLIAMS, KASTNER & GIBBS PLLC

10  
11 By   
12 David W. Wiley, WSBA #08614  
13 Attorneys for Plaintiff Applicant

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on June 16, 2004, I caused to be served the original and thirteen  
3 copies of the foregoing document to the following address via first class mail, postage prepaid  
4 to:

5 Carole Washburn, WUTC Executive Secretary  
6 Washington Utilities and Transportation Commission  
7 1300 S. Evergreen Park Drive SW  
8 P.O. Box 47250  
9 Olympia, WA 98504-7250

10 I certify I have also provided to the Washington Utilities and Transportation Commission's  
11 Secretary an official electronic file containing the foregoing document via email to:  
12 records@wutc.wa.gov

13 and an electronic copy via email and first class mail, postage prepaid, to:

14 Ann E. Rendahl  
15 Administrative Law Judge  
16 Washington Utilities and Transportation Commission  
17 1300 S. Evergreen Park Dr. SW  
18 P.O. Box 47250  
19 Olympia, WA 98504-7250  
20 arendahl@wutc.wa.gov

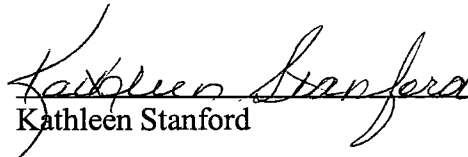
21 Donald Trotter  
22 Assistant Attorney General  
23 1400 S. Evergreen Park Drive S.W.  
24 P.O. Box 40128  
25 Olympia, WA 98504-0128  
dtrotter@wutc.wa.gov

1 Dmitri Iglitzin, Attorney  
2 Schwerin Campbell Barnard LLP  
3 18 West Mercer Street, Suite #400  
4 Seattle, WA 98119  
5 Attorneys for Inlandboatmen's Union of the Pacific  
6 [iglitzin@workerlaw.com](mailto:iglitzin@workerlaw.com)

7 James K. Sells  
8 Ryan Sells Uptegraft, Inc. P.S.  
9 9657 Levin Rd. N.W., Ste. 240  
10 Silverdale, WA 98383  
11 Attorneys for Intervenor Kitsap Transit  
12 [jimsells@rsulaw.com](mailto:jimsells@rsulaw.com)

13 Ronald C. Templeton  
14 General Counsel  
15 3212 N.W. Byron Street  
16 Silverdale, WA 98383  
17 Attorneys for Intervenor Kitsap Transit  
18 [rctempleton@telebyte.com](mailto:rctempleton@telebyte.com)

19 Dated this 16th day of June, 2004.

20  
21  
22  
23  
24  
25  
  
Kathleen Stanford