

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

In the Matter of the Application of)	DOCKET TS-050127
)	
AQUA EXPRESS, LLC,)	
)	ORDER 01
For Extension of Authority under)	
Certificate No. BC-00129, For a)	INITIAL ORDER GRANTING
Certificate of Public Convenience and)	LEAVE TO WITHDRAW AND
Necessity to Provide Commercial Ferry)	DISMISSING APPLICATION
Service)	
.....)	

Synopsis. This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Commission or allowed to become effective pursuant to the Notice at the end of this Order. If this Initial Order becomes final, the Commission will grant the request of Aqua Express to withdraw its application for an extension of its authority to provide commercial ferry service.

- 1 Aqua Express, LLC, (Aqua Express or Company) on January 25, 2005, filed Application B-79352 with the Washington Utilities and Transportation Commission (Commission) for an extension of authority under Commercial Ferry certificate BC-00129 to provide service between South Kitsap County and Seattle, Washington. Notice of the Application was published in the Commission’s weekly docket of February 13, 2005.

- 2 On May 12, 2005, the Commission issued a notice to all parties and interested persons that the Commission would hold Application B-79352, in the name of Aqua Express, in abeyance until July 1, 2006, pursuant to RCW 81.84.020(5), as amended in Section 609 of Engrossed Substitute Bill (ESSB) 6091, signed into law on May 9, 2005. In this bill, the Legislature amended various aspects of Commission regulation of commercial ferries.

- 3 On May 24, 2006, the Commission issued a notice to all parties and interested persons that the Commission would further hold Application B-79352, in abeyance until July 1, 2007, as amended in Section 11 of ESSB 6787, signed into law on June 7, 2006.

- 4 **WITHDRAWAL OF APPLICATION.** On July 7, 2007, the Commission received Aqua Express's request to withdraw the application indicating the Company has decided not to pursue further its request for additional operating authority.
- 5 Under WAC 480-07-380(3), which governs motions to withdraw, the Commission will assess the public interest in permitting withdrawal of applications.
- 6 This matter has been pending for two years, without objection from Aqua Express, during which time the Company's business may have undergone substantial change. It is reasonable and in the public interest to honor the Company's request to withdraw the application for and extension of its authority and dismiss the application.

ORDER

- 7 The Commission orders that the request of Aqua Express to withdraw its application for an extension of its authority to provide commercial ferry service between South Kitsap County and Seattle is granted and the application is dismissed.

DATED at Olympia, Washington, and effective July 16, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

NOTICE TO THE 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 (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), as amended in the 2006 legislative session, 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. You will be notified if this order becomes final.

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 three (3) copies of any Petition or Answer must be filed by mail delivery to:

Attn: Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250