



United States
Department of
Agriculture

Forest
Service

Okanogan -Wenatchee
National Forest
Chelan Ranger District

428 West Woodin Avenue
Chelan, WA 98816
(509) 682-2576

File Code: 2720-2

Date: September 14, 2009

Mr. Dave Danner
Executive Director
Washington State Utilities and Transportation
Commission
PO Box 47250
Olympia, WA 98504

STATE OF WASH
UTIL AND TRANSP
COMMISSION

2009 SEP 18 AM 10:28

RECEIVED
PROGRAMS MANAGEMENT

Dear Mr. Danner:

On September 9, 2009 I received a Notice of Receipt of Petition for Declaratory Order with the footnote that the Commission is treating my request for information as a petition for declaratory order. In discussions with Jonathan Thompson, State Assistant Attorney General, he indicated that this will be a hearing where the Forest Service will present our position in this matter.

I would like be clear that my intent in sending the request **was not for a hearing or a Petition for a Declaratory Order because I am not interested in presenting any argument concerning how the Commission should classify Mr. Courtney's service.**

I believe that an advisory opinion letter, similar to those that you sent to Cliff Courtney on Nov. 7, 2008 and Feb. 2, 2009, would satisfy my inquiry. To clarify my inquiry, it is to have your opinion on whether the service described in Mr. Jim Courtney's application to the USDA Forest Service for use of our docks, would require Mr. Courtney to obtain a commercial ferry certificate from the Commission. Mr. Courtney has discussed this matter with your staff personnel, Penny Ingram, and she has indicated both that it appeared he would need a certificate and that it appeared Mr. Courtney would be providing a charter service and therefore would not need a certificate.

I am asking for clarification on this issue and if Mr. Courtney's boat operation would be subject to a certificate or not.

Sincerely,

Robert J. Sheehan

District Ranger

Cc: Jim Courtney

