

TS-091610

Paraclete Charter Service, Inc.

3609 W 3rd Street, Anacortes, WA 98221

October 25, 2009

Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. S. W.
P.O. Box 47250
Olympia, WA 98504-7250

RECEIVED

OCT 28 2009

WASH. UT. & TP. COMM

To Whom It May Concern:

An application was recently submitted to your office as directed along with the required fee of \$200. I'm now responding to your "Notice of Deficient Application" dated October 12, 2009. After having spoken with Tina Leipski & Penny Ingram regarding the notice I once again reviewed the application along with the supporting documents that you have sent to me. In doing so, I have come to the conclusion that a certificate is not required.

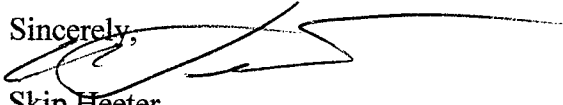
However, the fact still remains why your office has insisted that we are required to have a certificate from the commission? Your application form clearly states that a certificate is not required if one operates solely as a charter or excursion service. Paraclete Charter Service, Inc. is a charter service as defined by the definitions in your application packet. According to your questionnaire, Paraclete Charter Service is not required to have a certificate. A copy of the questionnaire is enclosed and highlighted which represents the nature of our business.

The application which was submitted to your office clearly states that the area of our primary operation is through out the San Juan Archipelago including but not limited to San Juan, Whatcom, Island and Skagit counties. In addition, we do not operate over regular scheduled routes. All departures or trips are the result of patrons requesting our service. Pick up points and destinations are at the request of the party or parties requesting our service and charged according to our posted charter rates.

The confusing point seems to be the fact that we use the term "water taxi" and the statement that "we are underway daily". It's understood that your department does not have a definition for Water Taxi, thus assumed and determined that we are a ferry because we provide transportation daily. The fact is we do not get underway unless we have received a request for service.

Thank you for your assistance and answering my questions. Please return my application and supporting notes along with the check that was submitted to your office. If you have any further questions or comments regarding this matter, please advise accordingly.

Sincerely,



Skip Heeter

Paraclete Charter Service, Inc.

QUESTIONNAIRE

WHO MUST APPLY FOR A COMMERCIAL FERRY CERTIFICATE?

- | | <u>Yes</u> | <u>No</u> |
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| 1. In operating your vessel will you transport persons or property for hire on the waterways of the state of Washington? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If you answered "no" to Question 1 and your operation is solely as a private carrier - involving transportation of only those commodities owned, bought or sold by you - you do not need a certificate from the Commission.

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| 2. a. Do you operate solely as a charter service? (See definition page following) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Do you operate solely passenger-carrying vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Are you a not-for-profit or governmental entity that operates solely replicas of historical vessels or vessels recognized as national historical landmarks? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Do you operate solely a towboat, tug, scow, barge, or lighter? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Do you operate solely a rowboat/sailboat under 20 gross tons burden? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Do you operate solely an open steam launch of 5 tons gross or under? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Do you operate solely a gas, fluid, naphtha, or electric motor propelled vessel under 5 tons gross? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If you answered "yes" to any of Questions 2a-2g you do not need a certificate from the Commission.

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| 3. Does ten percent (10%) of the gross annual income of any of your vessels come from the transportation of passengers and/or vehicles? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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If you answered "no" to Question 3, you do not need a certificate from the Commission. NOTE You may still need to be registered with the Commission as a common carrier ferry. Refer to WAC 480-51-077.

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| 4. Do you operate solely as an excursion service (see definition page following) meeting the following: | | |
| a. Originates and primarily operates at least six months per year in San Juan County waters <u>AND</u> uses vessels less than sixty-five feet (65') in length with a United States Coast Guard certificate that limits you to forty-nine (49) passengers or less. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Does not depart from the point of origin on a regular schedule. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Does not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen (15) times during any twelve-month period. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Uses vessels that do not return to the point of origin on the day of departure. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Operates vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If you operate solely as an excursion service and answered "yes" to any of Questions 4a-4e, you do not need a certificate from the Commission.

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| 5. Do you operate a vessel for hire and at least ten-percent (10%) of the annual gross earnings from that vessel come from transportation of passengers and/or vehicles? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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If you answered "yes" to Question 5 and "no" to questions 2a-2g and 4a-4e, you must have a certificate from the Commission.