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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
2 COMMISSION

3 In re Application)
4 No. B-079360 of)
5 MOSQUITO FLEET, LLC d/b/a)
6 MOSQUITO FLEET) DOCKET NO. TS-050294
7) Volume I
8 For Authority to Transfer) Pages 1 - 9
9 all Rights Under Certificate)
10 No. BC-125, Standing in the)
11 Name of Pacific Boat)
12 Enterprises, LLC, d/b/a)
13 Mosquito Fleet, to Mosquito)
14 Fleet, LLC, d/b/a Mosquito)
15 Fleet.)

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17 A prehearing conference in the above matter
18 was held on June 8, 2005, at 9:30 a.m., at 1300 South
19 Evergreen Park Drive Southwest, Olympia, Washington,
20 before Administrative Law Judge KAREN M. CAILLE.

21 The parties were present as follows:

22 MOSQUITO FLEET, LLC, by DAVID W. WILEY (via
23 bridge line), Attorney at Law, Williams, Kastner &
24 Gibbs, 601 Union Street, Suite 4100, Seattle,
25 Washington 98101; (206) 233-2895.

26 INTERNATIONAL ORGANIZATION OF MASTERS, MATES
27 & PILOTS, by STEVEN N. ROSS (via bridge line), Attorney
28 at Law, Wolfstone, Panchot & Bloch, 801 Second Avenue,
29 Suite 1500, Seattle, Washington 98104-1577; telephone,
30 (206) 682-3840.

31 Kathryn T. Wilson, CCR
32 Court Reporter

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1 INLAND BOATMEN'S UNION OF THE PACIFIC, by
2 JUDITH KREBS (via bridge line), Attorney at Law,
3 Schwerin, Campbell, Barnard, 18 West Mercer Street,
4 Suite 400, Seattle, Washington, 98119; telephone (206)
5 285-2828.

6 THE WASHINGTON UTILITIES AND TRANSPORTATION
7 COMMISSION, by CHRISTOPHER SWANSON, Assistant Attorney
8 General, 1400 South Evergreen Park Drive Southwest,
9 Post Office Box 40128, Olympia, Washington 98504;
10 telephone, (360) 664-1220.

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1 P R O C E E D I N G S

2 JUDGE CAILLE: We are here today for the
3 first prehearing conference in the proceeding in Docket
4 No. TS-050294, which concerns the Application of
5 Mosquito Fleet for authority to transfer all rights
6 under Certificate No. BC-125 in the name of Pacific
7 Boat Enterprises doing business as Mosquito Fleet to
8 Mosquito Fleet, doing business as Mosquito Fleet.

9 My name is Karen Caille, and I'm the
10 presiding administrative law judge in this proceeding.
11 Today is June 8th, 2005, and we are convened in a
12 hearing room in Olympia, Washington.

13 I would like to start out this morning by
14 taking appearances from all the parties. I would ask
15 you to state your name, spelling your last name, who
16 you represent, your street address and mailing address,
17 telephone number, fax number, and e-mail address.
18 Could we begin with you, Mr. Wiley?

19 MR. WILEY: Yes, Your Honor. David W. Wiley,
20 W-i-l-e-y. I'm with the law firm of Williams, Kastner,
21 and Gibbs, Two Union Square, 601 Union Street, Suite
22 4100, Seattle, Washington, 98101-2380. My phone number
23 direct line is (206) 233-2895. My fax number is (206)
24 628-6611. My e-mail address is dwiley@wkg.com. I'm
25 appearing today on behalf of the Applicant Transferee

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1 Mosquito Fleet, LLC, d/b/a Mosquito Fleet.

2 JUDGE CAILLE: Am I correct that you are not
3 representing Pacific Boat Enterprises?

4 MR. WILEY: They are obviously a related
5 party, but they haven't, as far as I know, had separate
6 counsel. I'm representing the transferee.

7 JUDGE CAILLE: Thank you. Ms. Krebs?

8 MS. KREBS: Thank you. Judith Krebs,
9 K-r-e-b-s. I'm with the law firm of Schwerin,
10 Campbell, Barnard, LLC. That's S-c-h-w-e-r-i-n,
11 Campbell, Barnard, B-a-r-n-a-r-d, and we are at 18 West
12 Mercer Street in Seattle, Washington, 98119, Suite 400.
13 My telephone number is (206) 285-2828, and my fax
14 number is (206) 378-4132. My e-mail is
15 krebs@workerlaw.com, and I'm representing the Inland
16 Boatmen's Union of the Pacific as a protestant in this
17 matter.

18 JUDGE CAILLE: Mr. Ross?

19 MR. ROSS: Steven N. Ross, R-o-s-s, and I'm
20 with the law firm of Wolfstone, Panchot and Bloch.
21 Panchot is spelled P-a-n-c-h-o-t. Bloch is B-l-o-c-h.
22 Our address 801 Second Avenue, Suite 1500, Seattle
23 Washington, 98104-1577. Telephone number is
24 (206) 682-3840. Fax number is (206) 340-8837. My
25 e-mail address is sross@wpblaw.com, and I represent the

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1 Protestant International Organization of Masters,
2 Mates, and Pilots.

3 JUDGE CAILLE: Mr. Ross, would you please go
4 over your e-mail address again?

5 MR. ROSS: It's sross@wpblaw.com.

6 JUDGE CAILLE: Thank you. And Mr. Swanson?

7 MR. SWANSON: Thank you, Your Honor. Chris
8 Swanson, assistant attorney general for Commission
9 staff; address, 1400 South Evergreen Park Drive
10 Southwest, PO Box 40128, Olympia, Washington,
11 98504-0128. Phone number is (360) 664-1220. Fax
12 number is (360) 586-5522. E-mail is cswanson@wutc.wa.
13 gov.

14 JUDGE CAILLE: Let the record reflect there
15 are no other appearances. The Commission has received
16 timely protests from Inland Boatmen's Union of the
17 Pacific, Puget Sound region, and from the International
18 Organization of Masters, Mates, and Pilots, Pacific
19 Maritime Region, United Inland Group.

20 I have looked over the Protest, and I just
21 have a question, and I will admit that I looked this
22 over very quickly, but the Protest has two dockets on
23 it. It has this docket and another docket as well. In
24 reading the Protest, it seemed like it was really
25 focused on the Southworth, Seattle route, and the

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1 proceeding that is before us at this moment is not that
2 particular route.

3 I know there was some question about the
4 legislation that went through during the last
5 legislative session, and I was just wondering, I want
6 to make sure that both Inland Boatmen's Union and
7 International Organization of Masters, Mates, and
8 Pilots intend to protest this particular application.

9 MS. KREBS: Thank you very much for asking
10 that question. We fully intend to withdraw our protest
11 in Docket No. TS-050294. The question that we had I
12 think has been resolved; that the docket that was held
13 in abeyance regarding the Southworth run and its
14 relation to Certificate 125 is going to proceed under
15 Docket No. TS-042184, and we intend to remain a
16 protestant in that docket -- that's TS-042184 -- but we
17 will withdraw our protest from TS-050294, and we will
18 follow up our comments on the record with a written
19 notice of withdrawal.

20 JUDGE CAILLE: Thank you very much,
21 Ms. Krebs.

22 MR. ROSS: Your Honor, this is Steve Ross
23 representing Masters, Mates and Pilots, and our
24 position mirrors that which was just expressed by
25 Ms. Krebs, so we will also be withdrawing our protest

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1 on this particular docket number.

2 JUDGE CAILLE: Correct, and you will continue
3 to protest in TS-042184?

4 MR. ROSS: That is correct.

5 JUDGE CAILLE: Thank you very much. You both
6 are excused unless you want to listen in on this. Just
7 please do as Ms. Krebs said. Follow up with a letter
8 to the Commission on your withdrawal.

9 MR. ROSS: All right. Thank you, Your Honor.

10 MS. KREBS: Yes. Thank you, Your Honor.

11 JUDGE CAILLE: Are we going to need discovery
12 in this proceeding? I mean formal discovery.

13 MR. SWANSON: This is Chris Swanson for
14 Commission staff. Staff has reviewed the Application
15 and doesn't have any concerns with fitness at this
16 point. It doesn't necessarily oppose the Application
17 and doesn't see the need for discovery or for a formal
18 hearing. It's not required.

19 JUDGE CAILLE: So we could do this on a paper
20 record?

21 MR. SWANSON: Yes, I believe so.

22 JUDGE CAILLE: Why don't we go off the record
23 and talk about how we are going to schedule the paper
24 filing.

25 MR. SWANSON: I'll defer to Bonnie Allen at

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1 this point. She has a better idea of the procedure
2 than I do.

3 (Discussion off the record.)

4 JUDGE CAILLE: We've had an off-record
5 discussion about how to handle this matter on a paper
6 record, and pursuant to the discussions I've had with
7 the parties, my understanding is that the file is
8 complete as is in order for me to grant the transfer.

9 Now, for reissuance of the Certificate, there
10 are certain other things that we must make sure are
11 complete, and I am going to ask Ms. Allen of Commission
12 staff to just fill us in on what needs to be submitted
13 in order for this to be complete.

14 MS. ALLEN: Thank you. As I understand it, I
15 believe there are three things that we would need to
16 follow up on. We would need the Applicant to complete
17 its final tariff or a tariff adoption of the existing
18 Company's tariff.

19 We would need to have the Applicant submit
20 proof of insurance in the new company name, and the
21 other one I don't think I mentioned before, but I think
22 we need a closing annual report from the outgoing
23 company, and those, I believe, are the three things we
24 need to issue the certificate.

25 JUDGE CAILLE: I believe you also mentioned

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1 the vessel is not the same vessel.

2 MS. ALLEN: I noticed there is a valid
3 inspection in the Application, so we are okay on that.

4 JUDGE CAILLE: All right then. I will, I
5 guess, get an example order from Commission staff, and
6 I will review that and edit it and issue an order which
7 will grant the transfer, subject to the Applicant
8 providing these additional things that Ms. Allen just
9 listed, and then there will be a reissuance of the
10 certificate, so with that, is there anything further
11 from anyone?

12 MR. WILEY: Not from the Applicant, Your
13 Honor.

14 MR. SWANSON: Nothing from Commission staff.

15 JUDGE CAILLE: Thank you very much.

16 (Prehearing conference adjourned at 9:50 a.m.)

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