

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

In re Application No. D-079360 of	)	DOCKET NO. TS-050294
	)	
MOSQUITO FLEET, LLC d/b/a	)	ORDER NO. 01
MOSQUITO FLEET	)	
	)	
For Authority to Transfer All Rights	)	PREHEARING CONFERENCE
Under Certificate No. BC-125,	)	ORDER
Standing in the Name of Pacific Boat	)	
Enterprises, LLC, d/b/a Mosquito	)	
Fleet, to Mosquito Fleet, LLC	)	
	)	
.....	)	

1     **NATURE OF PROCEEDING.** Docket No. TS-050294 is an application for authority to transfer all rights under Certificate No. BC-125, standing in the name of Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet, to Mosquito Fleet, LLC, d/b/a Mosquito Fleet (Applicant-Transferee). The transfer of authority includes passenger, freight, and excursion service between Everett and Friday Harbor, with flag stops at Rosario and Roche Harbor.

2     **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in Docket No. TS-050294 at Olympia, Washington on June 8, 2005, before Administrative Law Judge (ALJ) Karen Caillé.

3     **APPEARANCES.** David W. Wiley, Williams, Kastner & Gibbs, Seattle, Washington represents Applicant-Transferee, Mosquito Fleet, LLC d/b/a Mosquito Fleet. Judith Krebs, Schwerin Campbell Barnard LLP, Seattle, Washington represents the Protestant Inland Boatmen’s Union of the Pacific Puget Sound Region. Steven N. Ross, Wolfstone Panchot & Bloch PS, Inc. Seattle,

Washington represents the Protestant International Organization of Masters, Mates & Pilots, Pacific Maritime Region. Chris Swanson, Assistant Attorney General, represents the Commission's regulatory staff (Commission Staff or Staff)<sup>1</sup>. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this Order.

4 **WITHDRAWAL OF PROTESTS.** At the outset of the prehearing conference, Protestants Inlandboatmen's Union of the Pacific and the International Organization of Masters, Mates & Pilots, Pacific Maritime Region, United Inland Group (collectively Protestants) informed the presiding ALJ of their intent to withdraw their protests to the application. On June 8, 2005, following the prehearing conference, Protestants filed their withdrawals of intervention with the Commission.

5 **PROCEDURE IN THE ABSENCE OF PROTESTS.** RCW 80.84.030, Certificate—Transfer, does not require the Commission to hold a hearing on a transfer application that is not protested. The parties agreed to submit the case for decision on the paper record. Commission Staff indicated that it was satisfied with the content of the application and that Certificate BC-125 may be reissued in the name of Mosquito Fleet, LLC, provided certain conditions are met: Applicant-Transferee must file a new tariff in its name, adopting Pacific Boat's tariff; Applicant-Transferee must submit proof of insurance in the new company name; and Pacific Boat must file a closing annual report with the Commission.

6 **WAIVER OF INITIAL ORDER.** The parties waived the initial order so that the matter could be submitted directly to the Commission for decision.

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<sup>1</sup> In formal proceedings, such as this case, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "*ex parte* wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

- 7 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 30th day of June, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ  
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES  
DOCKET NO. TS-050294

COMPANY	REPRESENTATIVE and ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
Mosquito Fleet, LLC d/b/a Mosquito Fleet	David Wiley Williams, Kastner & Gibbs PLLC Two Union Square 601 Union Street, Suite 4100 Seattle, WA 98101-2380	(206) 233-2895	206-628-6611	<a href="mailto:dwiley@wkg.com">dwiley@wkg.com</a>
Commission Staff	Chris Swanson Assistant Attorney General 1400 S. Evergreen Park Drive SW P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1220	360 586-5522	<a href="mailto:cswanson@wutc.wa.gov">cswanson@wutc.wa.gov</a>
Administrative Law Judge	Karen M. Caillé 1300 S. Evergreen Park Dr. SW P.O. Box 47250 Olympia, WA 98504-7250	(360) 664-1136	360- 664-2654	<a href="mailto:kcaille@wutc.wa.gov">kcaille@wutc.wa.gov</a>