

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of
KITSAP FERRY COMPANY, LLC
d/b/a KITSAP FERRY CO

DOCKET NO. TS-040794

DECLARATION OF
BONNIE L. ALLEN

For a Temporary Certificate of Public
Convenience and Necessity to Operate
Commercial Ferry Service

I, BONNIE L. ALLEN, under penalty of perjury under the laws of the state of Washington, declare as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission and have been since 1976. Since November 2002, I have held the position of Regulatory Analyst 3 in the Commission's Water and Transportation Section.
3. My duties include reviewing applications for temporary commercial ferry certificates, investigating issues relating to the application, and providing a written recommendation to Eugene Eckhardt, the Assistant Director of the Water and Transportation Section. This has been part of my regular work responsibilities since approximately 1995.
4. On April 29, 2004, the Commission received an application from Kitsap Ferry Company, LLC, for a temporary certificate to operate passenger-only ferry service between Bremerton and Seattle, Washington.

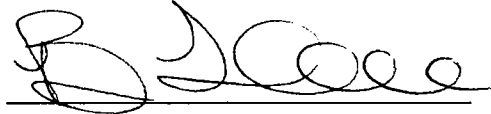
5. I conducted an investigation regarding the application for temporary certificate, including the following:
 - Review the application, tariff, schedule, and supporting documents to ensure the application satisfies the filing requirements.
 - Determine if the applicant's proposed route is included in an existing certificate of public convenience and necessity.
 - Determine if the applicant's proposed route is included in a pending application for certificate of public convenience and necessity.
 - Determine if the applicant's proposed route is exempt from the 10-mile Washington State Ferry restriction.
 - Determine if the applicant's supporting statements identify an unmet need for service.
 - Determine if the applicant's proposed route is on Puget Sound and the application contains a Public Transportation Benefit Area (PTBA) resolution.
 - Review agency records to determine if the applicant has a compliance history.
 - Provide the applicant with suggested revisions to their proposed tariff and schedule.
 - Request additional vessel documentation.
 - Advise the company to submit its proof of insurance covering the vessel.

6. I prepared a memorandum dated May 5, 2004, to Mr. Eckhardt. The memorandum presents the results of my investigation and recommendation. A true and accurate copy of the memorandum is attached to this declaration as Attachment 1.

7. My recommendation was that the Commission grant the application for a temporary commercial ferry certificate, and Mr. Eckhardt concurred in that recommendation.

8. As of June 23, 2004, the Commission has received approximately 90 letters from the public regarding Kitsap Ferry's temporary certificate.

DATED this 24th day of June 2004 at Olympia, Washington.


A handwritten signature in black ink, appearing to read 'B. L. Allen', written over a horizontal line.

BONNIE L. ALLEN

**ATTACHMENT 1
TO
DECLARATION OF
BONNIE L. ALLEN**

MEMORANDUM

May 5, 2004

5/5/04
I agree.


TO: Gene Eckhardt, Regulatory Services, Assistant Director
Transportation and Water Section

FROM: Bonnie Allen, Regulatory Analyst 

SUBJECT: Temporary Commercial Ferry Certificate
Application No. B-79276 - Docket No. TS-040794

Kitsap Ferry Company, LLC
197 Parfitt Way SW, Suite 100
Bainbridge Island, WA 98110

Discussion

On April 29, 2004, Kitsap Ferry Company, a Limited Liability Company, filed its application B-79276 requesting temporary authority to provide commercial ferry service between Bremerton and Seattle. The applicant will provide the proposed service using the "Spirit of Adventure," a 250-passenger catamaran vessel leased from TMT Corporation. The applicant has satisfied the filing requirements of WAC 480-51-060(4). The application filing is accompanied by:

- Current certificate of inspection issued by the United States Coast Guard certifying the "Spirit of Adventure." The certificate is dated April 24, 2002, expires April 24, 2007, and shows annual re-inspections in April 2003 and April 2004. The certificate states that the "Spirit of Adventure" may carry a total of 260 persons. The certificate identifies Glacier Bay Marine Services, Inc., as the owner and Glacier Bay Park Concessions, Inc., as the operator of the vessel.
- Vessel's certificate of documentation issued September 23, 2003, that shows TMT Corp. as the current owner and managing owner of the "Spirit of Adventure."
- Agreement between Kitsap Ferry Company, LLC, and Argosy Cruises for dock space along the central Seattle waterfront to be used for loading and unloading passengers.

- Certificate of insurance covering the "Spirit of Adventure" in the required limits. The insurance certificate included with this application does not name the applicant, Kitsap Ferry Company, LLC as insured, nor does the certificate name the Commission as an additional certificate holder to receive cancellation and reinstatement notices. Staff has contacted the applicant a proper filing will be made prior to a certificate being issued.
- Tariff and time schedule that describes the proposed service and the rates and charges for that service. Staff has contacted the applicant to make some corrections on the tariff and time schedule
- Applicant's statement that there is an urgent and immediate need for service between Bremerton and Seattle.
 - The Washington State Ferries (WSF) carried 840,079 passengers on its passenger-only ferry service between Bremerton and Seattle in 2001.
 - Washington State Ferries discontinued passenger-only ferry service between Bremerton and Seattle in September of 2003.
 - Kitsap Transit failed in its attempt to re-establish the service under the authority of the Public Transportation Benefit Area.
 - The applicant has reached an agreement with Kitsap Transit to provide passenger-only ferry.
- Supporting statements from:
 - Kitsap County Board of Commissioners, 614 Division Street, MS-4, Port Orchard, WA.
 - Cary Bozeman, Mayor of the city of Bremerton Mayor, 239 4th Street, Bremerton, WA.
 - Kim Abel, Mayor of the city of Port Orchard, 216 Prospect Street, Port Orchard, WA.
 - Silvia Klatman, Executive Director, Bremerton Area Chamber of Commerce, 301 Pacific, Bremerton, WA.
 - Elizabeth A. Gilje, President KPS Health Plans

Conclusion

Under the provisions of RCW 81.84.070 and WAC 480-51-060, the Commission may, with or without hearing, issue temporary certificates for authority to provide

May 5, 2004

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commercial ferry service for a period not to exceed one hundred eighty days, but only after finding that issuance of the temporary certificate is necessary due to an immediate and urgent need and is otherwise consistent with the public interest.

Further, if the holder of a temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that temporary authority shall continue in force until the Commission grants or denies the application for the permanent certificate.

The applicant has shown that there is an immediate and urgent need for the proposed service and that granting the temporary certificate to provide the proposed service is in the public interest.

There is currently no existing certificated commercial ferry operator authorized to provide the requested service, and there is no other application pending for a certificate to provide such service.

Staff has no information that would suggest the applicant is not fit, willing, and able to provide the proposed service. On receipt of corrected insurance, tariff, and time schedule the applicant will have satisfied the application filing requirements.

Recommendation

Staff recommends the applicant be granted a temporary commercial ferry certificate to provide "Passenger-only ferry service between Bremerton and Seattle" for a period of 180 days or until the Commission grants or denies a parallel application for permanent certificate authority if that parallel application is filed within 30 days of the grant of this temporary.