

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of)	DOCKET TS-042184
)	
PACIFIC BOAT ENTERPRISES,)	ORDER 01
LLC, d/b/a MOSQUITO FLEET,)	
)	
For extension of Authority under)	INITIAL ORDER GRANTING LEAVE
Certificate BC-00125.)	TO WITHDRAW AND DISMISSING
)	APPLICATION
.....)	

Synopsis. This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Commission or allowed to become effective pursuant to the Notice at the end of this Order. If this Initial order becomes final, the Commission will grant the request of Mosquito Fleet to withdraw its application for an extension of its authority to provide commercial passenger-only ferry service.

BACKGROUND

On December 14, 2004, Pacific Boat Enterprises, LLC, d/b/a Mosquito Fleet (Pacific), filed Application B-79341 with the Commission for an extension of authority under Commercial Ferry Certificate BC-00125 to provide passenger-only service between Southworth and Seattle, Washington. The Commission designated the application as Docket TS-042184, and published the application in the December 27, 2004 docket of pending applications.

On May 12, 2005, the Commission issued a notice to all parties and interested persons that the Commission would hold Application No. B-79341 in abeyance until July 1, 2006, pursuant to RCW 81.84.020(5), as amended in Section 609 of Engrossed Substitute Senate Bill (ESSB) 6091, signed into law on May 9, 2005. This statute provided that the Commission could not consider any applications for passenger ferry service until July 1, 2007.

On May 24, 2006, pursuant to RCW 81.84.020(5), the Commission further notified the parties that the application would be held in abeyance until July 1, 2007.

- 1 **WITHDRAWAL OF APPLICATION.** On July 13, 2007 Pacific withdrew its application for extension of its authority. WAC 480-07-380(3) governs withdrawal of applications and provides that the Commission will grant a motion to withdraw when withdrawal is in the public interest. Two years have passed since Pacific filed this application and much can occur to change a company's business operations and plans during that period. It is reasonable to grant the request for withdrawal and to dismiss the application.

ORDER

- 2 **THE COMMISSION ORDERS** That the request of Pacific to withdraw its application for an extension of its authority to operate commercial passenger-only ferry service is granted and the application is dismissed without prejudice.

DATED at Olympia, Washington, and effective July 16, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

NOTICE TO THE PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3), as amended in the 2006 legislative session, provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion. You will be notified if this order becomes final.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and three (3) copies of any Petition or Answer must be filed by mail delivery to:

Attn: Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250

DOCKET TS-042184
ORDER 01

PAGE 4

Olympia, Washington 98504-7250