

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the matter of the cancellation of)
motor freight carrier permit CC-65612) DOCKET TV-144057
held by:)
) ORDER 01
J.L. KELLEY CO.,)
d/b/a KINGSTON PACIFIC INC.,) ORDER CANCELLING PERMIT
)
for failure to file proof of liability and)
property damage insurance covering)
equipment.)
.....)

BACKGROUND

- 1 Motor freight carriers operating in the state of Washington, subject to regulation by the Washington Utilities and Transportation Commission (Commission) must file and maintain proof of liability and property damage insurance.
- 2 On November 9, 2014, the Commission notified J.L. Kelley Co., d/b/a Kingston Pacific Inc., (Kingston Pacific Inc. or Company) by letter that its permit to operate as a motor freight carrier in Washington would be cancelled if their insurance company did not file with the Commission acceptable proof of insurance (Form E) within 60 days. The Commission also informed Kingston Pacific Inc. of its right to contest cancellation of the permit by requesting a hearing within 10 days of the notice.

DISCUSSION

- 3 The Commission has not received proof of insurance, and the Company has not requested a hearing. The Commission is authorized by WAC 480-14-230(3)(d) to cancel a motor freight carrier's permit for failure to file and maintain proof of insurance. Permit CC-65612 should be cancelled. To reinstate the permit, Kingston Pacific Inc. would need to submit an application for reinstatement, pay the reinstatement fee, and file acceptable proof of insurance (Form E).

FINDINGS AND CONCLUSION

- 4 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having authority to regulate motor freight carriers as defined in RCW 81.80.
- 5 (2) Kingston Pacific Inc. is a motor freight carrier operating in Washington under permit CC-65612.
- 6 (3) On November 9, 2014, the Commission received an insurance binder valid for up to 60 days. The Commission notified Kingston Pacific Inc. that if a Form E insurance certificate was not received within 60 days, its permit would be cancelled.
- 7 (4) The Commission is authorized by WAC 480-14-230(3)(d) to cancel a motor freight carrier's permit for failure to file and maintain proof of insurance.
- 8 (5) The Commission should cancel Kingston Pacific Inc.'s motor freight carrier's permit for failure to file and maintain proof of insurance.

ORDER

THE COMMISSION ORDERS:

- 9 (1) Permit CC-65612 held by J.L. Kelley Co., d/b/a Kingston Pacific Inc., is cancelled as of December 9, 2014.
- 10 (2) J.L. Kelley Co., d/b/a Kingston Pacific Inc., is directed to **cease** all operations associated with permit CC-65612.
- 11 The Commission has delegated authority to the Secretary, or to the Secretary's delegate, to enter this Order under RCW 80.01.030, WAC 480-07-903(1)(c); and Order 04 in Docket A-090485.

DATED at Olympia, Washington, and effective December 9, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID PRATT
Assistant Director, Transportation Safety

NOTICE: This is an order delegated to the Secretary, or to the Secretary's delegate, for decision under RCW 80-01-030 and WAC 480-07-903(1)(c). You may seek Commission review of this decision by filing a request for Commission review of this order no later than twenty (20) days after the service date of the order. For questions, contact Licensing Services at 360-664-1222.

The Commission will schedule your request for review by issuing a notice of hearing to be held before an administrative law judge. The Commission, at its discretion, may consider your request for review in an adjudicative proceeding under RCW 34.05 Part IV, or in a brief adjudicative proceeding under RCW 34.05.482 and .494. Following hearing, the administrative law judge will enter an initial order. If you wish to seek review of the initial order, you may file a petition for administrative review under RCW 34.05.464, or if the matter is heard in a brief adjudicative proceeding, under RCW 34.05.491.