

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the matter of the cancellation of)
charter and excursion carrier services) DOCKET TE-144161
certificate CH-62909 held by)
) ORDER 01
Agate Pass Transportation, LLC, D/B/A)
Agate Pass Transportation; BusUp; Bits) ORDER CANCELLING
of Bainbridge; Bainbridge Island Tours) CERTIFICATE
& Sightseeing,)
)
for failure to file proof of liability and)
property damage insurance covering)
equipment.)
.....)

BACKGROUND

- 1 Charter and excursion carrier services 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 (Form E).
- 2 On November 13, 2014, the Commission notified Agate Pass Transportation, LLC, d/b/a Agate Pass Transportation; BusUp; Bits of Bainbridge; Bainbridge Island Tours & Sightseeing (Agate Pass Transportation or Company), by letter that its certificate to operate as a charter and excursion carrier service in Washington would be cancelled if acceptable proof of insurance is not filed by December 28, 2014. The Commission also informed Agate Pass Transportation of its right to contest cancellation of the certificate by requesting a hearing within 10 days of the notice.

DISCUSSION

- 3 The Commission has not received acceptable proof of insurance, and the Company has not requested a hearing. The Commission is authorized by WAC 480-30-171(2)(a) to cancel a charter and excursion carrier services certificate for failure to file and maintain proof of insurance. Certificate CH-62909 should be cancelled.
- 4 To reinstate the certificate, Agate Pass Transportation would need to submit an application for reinstatement, pay the reinstatement fee, and file acceptable proof of insurance (Form E) within 30 days. After 30 days, the applicant will be subject to all terms and conditions of a new entrant.

FINDINGS AND CONCLUSION

- 5 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having authority to regulate charter and excursion carrier services as defined in RCW 81.70.
- 6 (2) Agate Pass Transportation is a charter and excursion carrier service operating in Washington under certificate CH-62909.
- 7 (3) On November 13, 2014, the Commission received notice of insurance cancellation related to Agate Pass Transportation effective December 28, 2014. The Commission notified the Company that if a Form E insurance certificate was not received by the cancellation date, its certificate would be cancelled.
- 8 (4) The Commission is authorized by WAC 480-30-171(2)(a) to cancel a charter and excursion carrier services certificate for failure to file and maintain proof of insurance.
- 9 (5) The Commission should cancel Agate Pass Transportation's charter and excursion carrier services certificate for failure to file and maintain proof of insurance.

ORDER

THE COMMISSION ORDERS:

- 10 (1) Certificate CH-62909 held by Agate Pass Transportation, LLC, d/b/a Agate Pass Transportation; BusUp; Bits of Bainbridge; Bainbridge Island Tours & Sightseeing, is cancelled as of December 28, 2014.
- 11 (2) Agate Pass Transportation, LLC, d/b/a Agate Pass Transportation; BusUp; Bits of Bainbridge; Bainbridge Island Tours & Sightseeing, is directed to **cease** all operations associated with certificate CH-62909.
- 12 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 29, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID PRATT

Assistant Director, Transportation Safety

NOTICE: This is an order delegated to the Secretary, or the Secretary's delegate, for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. For questions, please 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 through .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.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3), and WAC 480-07-905, as amended effective September 22, 2008.