

November 19, 2001

**LETTER REGARDING REQUEST FOR CONTINUANCE
LETTER REGARDING FILING OF PROOF OF INSURANCE**

RE: Application of Pearson, Sharyn and Zepp, Linda, d/b/a Centralia-SeaTac Airport Express
Docket No. TC-010273

TO ALL PARTIES OF RECORD:

The Commission has received two letters regarding this matter. The first, a letter from Commission Staff filed September 28, 2001, indicates that a Form E for the insurance binder presented at the prehearing conference of July 18, 2001, has not been filed with the Commission in a timely manner. The insurance binder is Exhibit 1 in this proceeding. As shown in the transcript at pages 32—33, the applicant assured the Commission that this insurance would cover all persons involved in operating the Centralia-SeaTac permit during the pendency of this proceeding. Mr. Haffner stated:

Your Honor, I can represent to the Court that I believe this morning -- yes, this morning, there was faxed to Ms. Bonnie Allen a certificate of liability insurance with today's date, July 18, 2001, that we may want to make an exhibit to the hearing, but it doesn't -- it does seem to comply with the agreement that we put on the record at the last hearing, which was that it would cover the Applicant, as well as the original parties on the permit and the members of the L.L.C., including Linda Zepp individually and as a partner. I think the document would probably be the best evidence of what the insurance coverage now is.
Page 32, line 18 to page 33, line 5.

The Commission Staff noted that the insurance binder presented by the applicant was temporary, and asked that the permanent Form E for this insurance be included in the record when it was received. TR 33, ll. 21-25. Ms. Allen of the Commission Staff described the process as follows:

The certificate we have here is acceptable as a temporary filing. We accept this type of a certificate from an insurance agent for a period of up to 60 days. At--during that time, the actual Form E insurance filing is what--which is the form we require, comes directly from the insurance company. *TR 39, ll. 1—13.*

Based on this information, the prehearing conference order reflects the expectation that a permanent Form E would be filed with the Commission not later than sixty days after July 18, 2001, that is by September 17, 2001. The failure of the applicant to ensure that this document was received reopens the Commission's concern that this matter is being delayed until February, 2002. The Commission would like to hear from the applicant how it proposes to address this concern, and to hear from the other parties whether another prehearing conference should be scheduled to address the issue of either protecting the public during the pendency of this proceeding or of holding the hearing in this matter now. The parties should respond to this letter by **Monday, October 8, 2001**, explaining where we are on the insurance question, and providing their thoughts on how we should proceed. Parties may respond by telefacsimile, such responses must be received by 3:00 p.m. Paper responses should be filed no later than 4:30 p.m.

The Commission also has received a letter from the applicant, filed October 3, 2001. The letter notes that Mr. Haffner has a conflict with the prehearing date of February 7, 2002. WAC 480-09-440 governs requests for continuances. The rule requires a party requesting a continuance to inform the Commission whether the requestor has discussed the request with other parties, and whether, upon discussion, all other parties agree. WAC 408-09-440(4)(c). Mr. Haffner's letter does not indicate that he has checked with other parties regarding his suggested date of February 14, 2002. The February 14, 2002, date is available for me, if any party has a conflict with this date, please inform the Commission by **Monday, October 8, 2001**. Mr. Haffner did not comply with paragraph 13 of the prehearing conference order, which requires that 12 copies of each document filed with the Commission must be provided. Please follow this requirement in any future filings.

Sincerely,

MARJORIE R. SCHAER
Administrative Law Judge