

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

In the Matter of the Delegation of Authority to the Secretary of the Commission Pursuant to RCW 80.01.030) DOCKET NO. A-042090
)
) ORDER NO. 01
)
) ORDER DELEGATING
) AUTHORITY TO SECRETARY OF
) COMMISSION
.....)

1 Pursuant to RCW 80.01.030, WAC 356-30-007, WAC 356-34-011, and the inherent powers of the Commission, the Commission delegates the following authority to the Secretary of the Commission, subject to superseding oversight or direction by a majority of the Commissioners on either a general or limited basis:

I. GENERAL DELEGATION OF AUTHORITY TO SECRETARY

2 The Secretary is authorized to supervise the general functions of the agency. The Secretary may delegate aspects of the duties of the Secretary.

Signature on Orders

3 In an emergency, where the Commissioners are either absent or unavailable to sign and enter decisions and orders of the Commission, the Secretary is authorized to do so. The Secretary shall do so only in those circumstances where the Commission previously has reached a decision on the merits of a particular matter and Commissioners are unavailable to sign the implementing order. The Secretary is not authorized to exercise the discretionary authority of the Commission.

**II. DELEGATION OF AUTHORITY TO SECRETARY
TO ENTER *EX PARTE* ORDERS**

4 The Secretary is authorized to sign in the name of the Commission the following
ex parte orders:

A. Motor Freight Carriers (excluding Household Goods Carriers)

- 5 1. Order and/or permit authorizing intrastate transportation of general
commodities, materials transported by armored car, and/or hazardous
materials if the applicant satisfies the requirements of chapter 480-14
WAC.
- 6 2. Order and/or permit authorizing or reflecting change of carrier name and
business structure if applicant satisfies the requirements of chapter 480-14
WAC.
- 7 3. Order and/or permit reinstating previously held authority if the
requirements of chapter 480-14 WAC are met.
- 8 4. Order suspending permit if the carrier has failed to maintain evidence that
it has the required level of insurance in effect for its operations. Chapter
480-14 WAC. The order must inform the respondent that it may secure
reinstatement by correcting conditions leading to suspension and that the
respondent may contest the suspension by requesting a brief adjudication
or an adjudication. *Chapter 480-14 WAC.*
- 9 5. Order vacating suspension of permit if an insurance filing is received
during the suspension period or an order of abeyance if respondent
requests a brief adjudication or adjudication. *Chapter 480-14 WAC.*

- 10 6. Order canceling previously suspended permit authority if the carrier fails to correct conditions leading to suspension, and fails to request a brief adjudication or adjudication, during the suspension period. *Chapter 480-14 WAC.*
- 11 7. Order canceling permit authority or dismissing application by request of carrier or applicant. *Chapter 480-14 WAC.*
- 12 8. Order dismissing application after due notice to applicant for failure to meet the requirements of Chapter 480-14 WAC.

B. Household Goods Carriers

- 13 1. Permit authority that results from a Commission order authorizing permanent, provisional or temporary intrastate transportation of household goods. *Chapter 480-15 WAC.*
- 14 2. Order and/or permit authorizing permanent intrastate transportation of household goods if the applicant satisfies the requirements of chapter 480-15 WAC.
- 15 3. Order and/or permit authorizing or reflecting change of carrier's permit name, corporate name, trade name, or to add a trade name. *Chapter 480-15 WAC.*
- 16 4. Order authorizing voluntary suspension of permit authority if the carrier satisfies the requirements of chapter 480-15 WAC.

- 17 5. Order reinstating voluntarily suspended permit authority if the carrier satisfies the requirements of chapter 480-15 WAC.
- 18 6. Order canceling permit authority or dismissing application by request of carrier or applicant. *Chapter 480-15 WAC.*
- 19 7. Order suspending permit if the carrier has failed to maintain evidence of required cargo and/or liability insurance coverage for all areas of operations. WAC 480-15-430(a). The order must inform the respondent that it may secure reinstatement by correcting conditions leading to suspension and that the respondent may contest the suspension by requesting a hearing or brief adjudicative proceeding. *Chapter 480-15 WAC.*
- 20 8. Order vacating suspension of permit if an insurance filing is received during the suspension period or an order of abeyance if respondent requests a hearing or brief adjudicative proceeding. *Chapter 480-15 WAC.*
- 21 9. Order canceling previously suspended permit authority if the carrier fails to correct conditions leading to suspension, and fails to request a hearing or brief adjudicative proceeding, during the suspension period. *Chapter 480-15 WAC.*
- 22 10. Order reinstating previously canceled permit authority if the carrier satisfies the requirements of chapter 480-15 WAC.
- 23 11. Order rejecting application for temporary authority if WAC 480-15-285 applies.

C. Solid Waste Collection Companies - Specialized

- 24 1. Order and/or permit authorizing intrastate solid waste collection services involving non-protested applications in territory not served by any existing carrier. RCW 81.77.040 and Chapter 480-70 WAC.
- 25 2. Order and/or permit authorizing change of carrier's corporate name, trade name, or to add a trade name. *Chapter 480-70 WAC.*
- 26 3. Order and/or permit authorizing non-protested application to transfer or lease certificate. *Chapter 480-70 WAC.*
- 27 4. Order suspending permit if the carrier has failed to maintain evidence that it has the required liability insurance coverage for all areas of the company's operations. *Chapter 480-70 WAC.* The order must inform the respondent that it may secure reinstatement by correcting conditions leading to suspension and that respondent may contest the suspension by requesting a hearing or brief adjudicative proceeding. *Chapter 480-70 WAC.*
- 28 5. Order vacating suspension of permit if an insurance filing is received during the suspension period or an order of abeyance if respondent requests a hearing or brief adjudicative proceeding. *Chapter 480-70 WAC.*
- 29 6. Order canceling previously suspended permit authority if the carrier failed to correct conditions leading to suspension, and failed to request a hearing or brief adjudicative proceeding, during the suspension period. Chapter 480-70 WAC.

30 7. Order reinstating permit that was canceled for cause if the conditions set
 forth in chapter 480-70 WAC are met.

31 8. Order dismissing application or canceling permit authority by request of
 applicant or carrier. *Chapter 480-70 WAC.*

D. Solid Waste Collection Companies - Traditional

32 1. Order and/or permit authorizing intrastate solid waste collection services
 involving non-protested applications in territory not served by an existing
 carrier. *RCW 81.77.040 and Chapter 480-70 WAC.*

33 2. Order and/or permit authorizing change of carrier's name, trade name or
 to add a trade name. *Chapter 480-70 WAC.*

E. Private, Nonprofit Transportation Providers

34 1. Order and/or permit authorizing intrastate transportation of persons with
 special needs. *Chapter 480-31 WAC.*

35 2. Order and/or permit authorizing sale, assignment, lease, acquisition or
 transfer. *Chapter 480-31 WAC.*

36 3. Order suspending permit if the carrier has failed to maintain evidence that
 it has the required level of insurance in effect for its operations. Chapter
 480-31 WAC. The order must inform the respondent that it may secure
 reinstatement by correcting conditions leading to suspension and that the
 respondent may contest the suspension by requesting a hearing or brief
 adjudicative proceeding. *RCW 34.05.422(1)(c).*

- 37 4. Order vacating suspension of permit if an insurance filing is received during the suspension period or an order of abeyance if respondent requests a hearing or brief adjudicative proceeding. *480-31 WAC.*

F. Charter and Excursion Busses

- 38 1. Order and/or permit authorizing intrastate transportation of passengers by charter or excursion. *Chapter 480-40 WAC.*

- 39 2. Order suspending permit if the carrier has failed to maintain evidence that it has the required level of insurance in effect for its operations. Chapter 480-40 WAC. The order must inform the respondent that it may secure reinstatement by correcting conditions leading to suspension and that the respondent may contest the suspension by requesting a hearing or brief adjudicative proceeding. *RCW 34.05.422(1)(c).*

- 40 3. Order vacating suspension of permit if an insurance filing is received during the suspension period or an order of abeyance if respondent requests a hearing or brief adjudicative proceeding. *Chapter 480-40 WAC.*

- 41 4. Order canceling previously suspended permit authority if the carrier fails to correct conditions leading to suspension or fails to request a hearing or brief adjudicative proceeding during the suspension period. *Chapter 480-40 WAC.*

- 42 5. Order canceling permit authority or dismissing application by request of carrier or applicant. *RCW 81.70.300.*

43 6. Order dismissing application after due notice to applicant for failure to
meet the requirements of chapter 480-40 WAC.

44 7. Order authorizing lease, assignment, or transfer of permit authority.
Chapter 480-40 WAC.

G. Auto Transportation Companies

45 1. Order and/or permit authorizing intrastate, intercity transportation of
passengers involving non-protested applications on routes not served by
any existing carrier and of which no part falls within the boundaries of a
transit district. *RCW 81.68.040.*

46 2. Order and/or permit involving name changes, including trade names.
RCW 81.68.030.

H. Commercial Ferries

47 1. Order suspending certificate if the holder has failed to maintain the
required insurance coverage in full force and effect. Chapter 480-51 WAC.
The order must inform the respondent that it may secure reinstatement by
correcting conditions leading to suspension and that respondent may
contest suspension by requesting a brief adjudication or an adjudication.
Chapter 480-51 WAC.

48 2. Order vacating suspension of certificate if respondent has corrected
conditions leading to suspension or an order of abeyance if respondent
requests a brief adjudication or an adjudication. *Chapter 480-51 WAC.*

- 49 3. Order canceling previously suspended certificate authority if the holder fails to correct conditions leading to suspension and fails to request a brief adjudication or an adjudication, during the suspension period. *Chapter 480-51 WAC.*

I. General

- 50 Orders or letters rejecting tariff, contract, and application filings that fail to comply with applicable statutory requirements and/or Commission rules regarding effective dates or specific required documentation.

III. APPOINTING AUTHORITY

- 51 The Secretary is the “appointing authority” for the Commission and, as such, has authority for appointment, separation, and disciplinary actions of employees of the Commission. This authority includes, but is not limited to, appointments, terminations, reductions in force, dismissals, suspensions, and demotions pursuant to WAC 356-30-007 and WAC 356-34-011. *See RCW 41.06.150(18).*

IV. GRIEVANCE PROCEDURE

- 52 A head of an agency may delegate the responsibilities and duties of an appointing authority. *See WAC 356-30-007; see also WAC 356-34-011.* The Secretary is authorized to hear bargaining unit employee grievances and enter a final agency decision. The Commission reserves the right to hear individual grievances or to select another designee on a case-by-case basis.

**V. DELEGATION IN THE EVENT OF ABSENCE
OR UNAVAILABILITY OF SECRETARY**

53 In the event the Secretary is absent or otherwise unavailable to perform the duties authorized above, the Commission authorizes the person designated by the Secretary to act on his or her behalf to undertake the functions delegated above.

DATED at Olympia, Washington, and effective this 26th day of January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner