

**BEFORE THE WASHINGTON STATE UTILITIES AND
TRANSPORTATION COMMISSION
1-360-664-1222**

Regarding suspension/cancellation of) Docket TE-080960
charter party carrier of passenger certificate)
for failure to file proof of liability and) Order Suspending/Canceling
property damage insurance covering) Certificate No. CH-395
equipment.)
) KELLEY'S TRANSPORTATION,
.....) INC.

BACKGROUND

- 1 Washington State law requires charter party carrier of passengers operating in the state of Washington subject to regulation by the Washington Utilities and Transportation Commission (Commission) to file and maintain proof of liability and property damage insurance.
- 2 On April 29, 2008, the Commission notified you by letter that your certificate to operate as a charter party carrier of passengers in Washington State would be suspended if acceptable proof of insurance was not filed by your insurance company. We also told you that you could contest suspension of your certificate by requesting a hearing within 10 days of the notice.
- 3 We have not received proof of insurance and you did not request a hearing.

FINDINGS AND CONCLUSION

- 4 The Washington Utilities and Transportation Commission is an agency of the state of Washington having authority to regulate charter party carrier of passengers as defined in RCW 81.70.
- 5 Kelley's Transportation, Inc., is a charter party carrier of passengers operating in Washington State under certificate no. CH-395.
- 6 On April 29, 2008, the Commission received notice of insurance cancellation related to the named carrier effective June 2, 2008.
- 7 The Commission is authorized by WAC 480-30-171(1)(a) to suspend a charter party carrier of passenger certificate for failure to file and maintain proof of insurance.
- 8 The Commission is authorized by WAC 480-30-171(2)(c) to cancel a charter party carrier of passenger certificate for failure to correct conditions leading to suspension within the time defined in the order of suspension.

ORDER

- 9 The Commission suspends certificate no. CH-395 for a period of 30 days effective June 2, 2008.
- 10 You are directed to cease all operations associated with this certificate until the Commission receives proof of liability and property damage insurance and enters an order lifting the suspension and authorizes you to resume operations.
- 11 If proof of insurance is not filed within 30 days certificate no. CH-395 will be cancelled without further notice or order. To reinstate this certificate you must submit a new application and acceptable proof of insurance.
- 12 You may contest cancellation of this certificate by requesting a hearing within 10 days of service of this order. A hearing request does not affect the suspension status of your certificate.
- 13 The Commissioners have delegated authority to the Executive Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-905(6)(b).

DATED at Olympia, Washington and effective June 2, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary 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 Executive 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. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

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).