

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 A-081166

ORDER 01

ORDER DELEGATING AUTHORITY  
TO SECRETARY OF COMMISSION

Pursuant to RCW 80.01.030, WAC 356-30-007, WAC 356-34-011, and the inherent powers of the Commission, the Commission orders as follows:

I.  
GENERAL DELEGATION OF  
AUTHORITY TO SECRETARY

The Secretary is authorized to supervise the general functions of the agency subject to superseding oversight or direction by the Commission on either a general or limited basis. The Secretary may delegate aspects of the Secretary's duties. The Secretary is also the Executive Director of the agency. Actions taken under the title "Executive Director" are deemed to be actions taken by the Secretary.

Signature on Orders

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, but only where the Commission previously has rendered a decision on the merits of a particular matter. The Secretary is not authorized to exercise the discretionary authority of the Commission.

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

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)

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 WAC 480-14.
2. Order and/or permit authorizing or reflecting change of carrier name and business structure if applicant satisfies the requirements of WAC 480-14.
3. Order and/or permit reinstating previously held authority if the requirements of WAC 480-14 are met.
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. WAC 480-14. 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 adjudication. WAC 480-14.
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. WAC 480-14.
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. WAC 480-14.
7. Order canceling permit authority or dismissing application by request of carrier or applicant. WAC 480-14.
8. Order dismissing application after due notice to applicant for failure to meet the requirements of WAC 480-14.

B. Household Goods Carriers

1. Permit authority resulting from a Commission order authorizing permanent, provisional or temporary intrastate transportation of household goods. WAC 480-15.
2. Order and/or permit authorizing permanent intrastate transportation of household goods if the applicant satisfies the requirements of WAC 480-15.
3. Order and/or permit authorizing or reflecting change of carrier's permit name, corporate name, trade name, or to add a trade name. WAC 480-15.
4. Order authorizing voluntary suspension of permit authority if the carrier satisfies the requirements of WAC 480-15.
5. Order reinstating voluntarily suspended permit authority if the carrier satisfies the requirements of WAC 480-15.
6. Order canceling permit authority or dismissing application by request of carrier or applicant. WAC 480-15.
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. WAC 480-15.
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. WAC 480-15.
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. WAC 480-15.
10. Order reinstating previously canceled permit authority if the carrier satisfies the requirements of WAC 480-15.
11. Order rejecting application for temporary authority if WAC 480-15-285 applies.

C. Solid Waste Collection Companies - Specialized

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 WAC 480-70.
2. Order and/or permit authorizing change of carrier's corporate name, trade name, or to add a trade name. WAC 480-70.
3. Order and/or permit authorizing non-protested application to transfer or lease certificate. WAC 480-70.
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. WAC 480-70. 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. WAC 480-70.
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. WAC 480-70.
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. WAC 480-70.
7. Order reinstating permit that was canceled for cause if the conditions set forth in WAC 480-70 are met.
8. Order dismissing application or canceling permit authority by request of applicant or carrier. WAC 480-70.

D. Solid Waste Collection Companies - Traditional

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

E. Private, Nonprofit Transportation Providers

1. Order and/or permit authorizing intrastate transportation of persons with special needs. WAC 480-31.
2. Order and/or permit authorizing sale, assignment, lease, acquisition or transfer. WAC 480-31.

F. Passenger Transportation Companies

1. Order and/or permit authorizing intrastate transportation of passengers by charter or excursion. WAC 480-30.
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. WAC 480-30. 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).
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. WAC 480-30.
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. WAC 480-30.
5. Order canceling permit authority or dismissing application by request of carrier or applicant. RCW 81.70.300.
6. Order dismissing application after due notice to applicant for failure to meet the requirements of WAC 480-30.
7. Order authorizing lease, assignment, or transfer of permit authority. WAC 480-30.

G. Auto Transportation Companies

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.

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

H. Commercial Ferries

1. Order suspending certificate if the holder has failed to maintain the required insurance coverage in full force and effect. WAC 480-51. 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 adjudication. WAC 480-51.
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 adjudication. WAC 480-51.
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 adjudication, during the suspension period. WAC 480-51.

I. General

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 specified, required documentation.

III.  
APPOINTING AUTHORITY

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

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

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 above-delegated functions.

DATED at Olympia, Washington and effective June 26, 2008

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MARK H. SIDRAN, Chairman

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PATRICK J. OSHIE, Commissioner

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PHILIP B. JONES, Commissioner