

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

Regarding suspension/cancellation of) Docket TV- 081621
motor carrier permit for failure of carrier)
to file proof of liability and property) Order Suspending/Canceling Permit
damage insurance covering equipment.) No. CC-62756
)
) JERRY KAPELKE
.....)

BACKGROUND

- 1 Washington State law requires motor freight carriers operating in intrastate commerce subject to regulation by the Washington Utilities and Transportation Commission (Commission) to file and maintain proof of liability and property damage insurance.
- 2 On August 5, 2008, the Commission notified you by letter that your permit to operate as a motor freight carrier in Washington State would be suspended if acceptable proof of insurance (Form E) was not filed by your insurance company. We also told you that you could contest suspension of your permit 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 motor freight carriers as defined in RCW 81.80.
- 5 Jerry Kapelke is a motor freight carrier operating in Washington State under permit no. CC-62756.
- 6 On August 5, 2008, the Commission received notice of insurance cancellation related to the named carrier effective September 5, 2008.
- 7 The Commission is authorized by WAC 480-14-250(4) to suspend a motor freight carrier's permit for failure to file and maintain proof of insurance.
- 8 The Commission is authorized by WAC 480-14-230(5)(b) to cancel a motor freight carrier's permit for failure to correct conditions leading to suspension within the time defined in the order of suspension.

ORDER

- 9 The Commission suspends permit no. CC-62756 for a period of 30 days effective September 5, 2008.
- 10 You are directed to cease all operations associated with this permit 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 permit no. CC-62756 will be cancelled without further notice or order. To reinstate this permit you must submit a new application and acceptable proof of insurance.
- 12 You may contest cancellation of this permit by requesting a hearing within 10 days of service of this order. A hearing request does not affect the suspension status of your permit.

DATED at Olympia, Washington, and effective September 5, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary