

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

Regarding suspension/cancellation of	)	
excursion carrier of passenger	)	Docket TE-091284
certificate for failure of holder to file	)	
proof of liability and property damage	)	Order Suspending/ Canceling
insurance covering equipment.	)	Certificate ES-179
	)	
	)	RAFAEL V. DELEON
.....	)	
.	)	

**BACKGROUND**

- 1 Washington State law requires excursion 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 July 2, 2009, the Commission notified you by letter that your certificate to operate as a excursion 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 an excursion carrier of passengers as defined in RCW 81.70.
- 5 Rafael V. Deleon is an excursion carrier of passengers operating in Washington State under certificate ES-179.
- 6 On July 2, 2009, the Commission received notice of insurance cancellation related to the named carrier effective August 13, 2009.
- 7 The Commission is authorized by WAC 480-30-171(1)(a) to suspend an excursion 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 an excursion 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 ES-179 for a period of 30 days effective August 13, 2009.

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 ES-179 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 Commission has delegated authority to the Secretary, or to the Secretary's delegate, to enter this Order under RCW 80.01.030 and WAC 480-07-905(5)(b).

DATED at Olympia, Washington and effective August 13, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID PRATT  
Assistant Director, Transportation Safety

**NOTICE:** This is an order delegated to the Secretary, or to the Secretary's delegate, 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 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 by issuing a notice of hearing to be held before an administrative law judge. The Commission, at its discretion, may consider your request for review in an adjudicative proceeding under RCW 34.05 Part IV, or in a brief adjudicative proceeding under RCW 34.05.482 through .494. Following hearing, the administrative law judge will enter an initial order. If you wish to seek review of the initial order, you may file a petition for administrative review under RCW 34.05.464, or if the matter is heard in a brief adjudicative proceeding, under RCW 34.05.491.

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), and WAC 480-07-905, as amended effective September 22, 2008.