

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

In the matter of the suspension/	)	
cancellation of motor freight carrier	)	DOCKET TV-100061
permit CC-63505 held by:	)	
	)	ORDER 01
GENE FLEMING, d/b/a GENE	)	
FLEMING CONSTRUCTION	)	ORDER SUSPENDING/ CANCELLING PERMIT
for failure to file proof of liability and	)	
property damage insurance covering	)	
equipment.	)	
.....	)	

BACKGROUND

- 1 Motor freight carriers operating in the state of Washington, subject to regulation by the Washington Utilities and Transportation Commission (Commission), must file and maintain proof of liability and property damage insurance.
- 2 On December 8, 2009, the Commission notified you by letter that your permit to operate as a motor freight carrier in Washington would be suspended if your insurance company did not file with the Commission acceptable proof of insurance. We also informed you that you could contest suspension of your permit by requesting a hearing within 10 days of the notice.
- 3 The Commission has not received proof of insurance and you have not requested a hearing.

FINDINGS AND CONCLUSION

- 4 (1) The Commission is an agency of the State of Washington having authority to regulate motor freight carriers as defined in RCW 81.80.
- 5 (2) Gene Fleming, d/b/a Gene Fleming Construction (Fleming Construction), is a motor freight carrier operating in Washington state under permit CC-63505.
- 6 (3) On December 8, 2009, the Commission received notice of insurance cancellation related to Fleming Construction effective January 8, 2010.
- 7 (4) 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 (5) 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**

**THE COMMISSION ORDERS:**

- 9 (1) Permit CC-63505, held by Gene Fleming, d/b/a Gene Fleming Construction, is suspended for a period of 30 days effective January 8, 2010.
- 10 (2) Gene Fleming, d/b/a Gene Fleming Construction, is directed to **cease** all operations associated with permit CC-63505 until the Commission receives proof of liability and property damage insurance and enters an order lifting the suspension order and authorizing you to resume operations.
- 11 (3) If proof of insurance is not filed with the Commission within 30 days, permit CC-63505 will be cancelled without further notice or order. To reinstate this permit you must submit a new application and acceptable proof of insurance.
- 12 (4) Gene Fleming, d/b/a Gene Fleming Construction may contest cancellation of permit CC-63505 by requesting a hearing within 10 days of service of this Order. A hearing request does not affect the suspension of your permit.
- 13 The Commission has delegated authority to the Secretary, or to the Secretary's delegate, to enter this Order under RCW 80.01.030, WAC 480-07-903(1)(c); and Order 01 in Docket A-090485.

DATED at Olympia, Washington, and effective January 8, 2010.

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 under RCW 80-01-030 and WAC 480-07-903(1)(c). You may seek Commission review of this decision by filing a request for Commission review of this order no later than twenty (20) days after the service date of the order.

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 and .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.