

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

In the matter of the suspension/)	
cancellation of motor carrier permit)	DOCKET TV-100104
CC-31824 held by)	
)	
EVERGREEN EXCAVATION, INC.)	ORDER 01
)	
for failure to file proof of liability and)	
property damage insurance covering)	ORDER SUSPENDING/ CANCELLING
equipment.)	PERMIT
.....)	

BACKGROUND

- 1 Motor freight carriers operating in intrastate commerce subject to regulation by the Washington Utilities and Transportation Commission (Commission) must file and maintain proof of liability and property damage insurance.

- 2 On November 18, 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 (Form E) within 60 days. We also informed 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 (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) Evergreen Excavation, Inc., (Evergreen Excavation) is a motor freight carrier operating in Washington under permit CC-31824.

- 6 (3) On November 18, 2009, the Commission received an insurance binder valid for up to 60 days. The Commission notified you that if a Form E insurance certificate was not received within 60 days, your permit would be suspended.

- 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-31824, held by Evergreen Excavation, Inc., is suspended for a period of 30 days effective January 18, 2010.
- 10 (2) Evergreen Excavation, Inc. is directed to **cease** all operations associated with permit CC-31824 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-31824 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) Evergreen Excavation, Inc., may contest cancellation of permit CC-31824 by requesting a hearing within 10 days of service of this Order. A hearing request does not affect the suspension status 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 19, 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 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.