

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

In the matter of the suspension of)	
passenger transportation certificate)	DOCKET TC-100166
C- 1092 held by)	
)	ORDER 01
SEATTLE PORTLAND EXPRESS CO)	
)	ORDER SUSPENDING
for failure to file proof of liability)	CERTIFICATE
and property damage insurance covering)	
equipment)	
.....)	

BACKGROUND

- 1 Passenger transportation companies 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 28, 2009, the Commission notified Seattle Portland Express Co. (Seattle Portland Express or Company), that its certificate to operate as a passenger transportation company in Washington would be suspended if your insurance company did not file with the Commission acceptable proof of insurance.
- 3 The Commission also told the Company that it could contest suspension of its certificate by requesting a hearing within ten (10) days of the date the notice was served.
- 4 The Commission has not received proof of insurance and the Company did not request a hearing.

FINDINGS AND CONCLUSIONS

- 5 (1) The Commission is an agency of the State of Washington with authority to regulate passenger transportation companies as defined in RCW 81.68.
- 6 (2) Seattle Portland Express is a passenger transportation company operating in Washington State under certificate C-1092.

- 7 (3) Under RCW 81.68.060, passenger transportation companies engaged in intrastate operations in Washington that are not qualified as self-insurers under RCW 81.68.065 and WAC 480-30-201 must maintain liability and property damage insurance, or a surety bond, on each vehicle in use and file each policy with the Commission. Specific insurance maintenance and filing requirements are set forth at WAC 480-30-191.
- 8 (4) On December 28, 2009, the Commission received notice that the Company's insurance would be cancelled effective January 28, 2010.
- 9 (5) The Commission may suspend an auto transportation company's certificate if a company's insurance filing is cancelled and the company does not file evidence of continuous coverage before the cancellation effective date. See RCW 81.68.030; WAC 480-30-196(2); WAC 480-30-171(1)(a).
- 10 (6) As of the effective date of cancellation for the Company's insurance, the Commission had not received proof of the required insurance.

ORDER

THE COMMISSION ORDERS:

- 11 (1) The passenger transportation company certificate C-1092 held by Seattle Portland Express Co, is suspended for a period of 30 days starting on the service date of this Order. Suspension means that Seattle Portland Express Co, must cease all operations associated with this certificate until the Commission receives acceptable proof of the required insurance and enters an order lifting the suspension.
- 12 (2) Seattle Portland Express Co must file proof of sufficient liability and property insurance with the Commission by the end of the suspension period or the Commission will cancel the certificate.
- 13 (3) Seattle Portland Express Co may contest cancellation of Certificate C-1092, by requesting a hearing within 10 days of service of this Order. A hearing request does not affect the suspension of your certificate.
- 14 The Commission has delegated authority to the Secretary, or the Secretary's delegate, to enter this Order under RCW 80.01.030 and WAC 480-07-905(6)(d).

DATED at Olympia, Washington, effective January 28, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary, or 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.