

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

In the matter of the suspension of)
household goods permit and provisional) DOCKET TV-111900
operating authority (THG-64290) held)
by) ORDER 01
)
DONALD MINCHEW, d/b/a BANNER) ORDER SUSPENDING PERMIT
MOVING & TRANSPORT,)
)
for failure of holder to file proof of)
liability and property damage insurance)
covering equipment)
.....)

BACKGROUND

- 1 Household goods 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 September 28, 2011, the Commission notified you by letter that your permit to operate as a household goods 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 the suspension of your permit by requesting a hearing within 10 days of receiving the notice.
- 3 The Commission has not received proof of insurance and you have not requested a hearing.

FINDINGS AND CONCLUSIONS

- 4 (1) The Commission is an agency of the State of Washington with authority to regulate household goods carriers as defined in RCW 81.80.
- 5 (2) Donald Minchew, d/b/a Banner Moving & Transport, (Banner Moving & Transport), is a motor carrier of household goods operating in Washington State under temporary permit THG-64290.
- 6 (3) On September 28, 2011, the Commission received notice of insurance cancellation related to Banner Moving & Transport effective November 2, 2011.

- 7 (4) The Commission is authorized under WAC 480-15-430(1)(b) to suspend a household goods permit for failure to file and maintain proof of insurance.
- 8 (5) The Commission is authorized under WAC 480-15-450(1)(b) to cancel a household goods permit for failure to correct conditions leading to suspension within the time defined in the suspension order and WAC 480-15-320(5)(c) under circumstances that cause the Commission to believe that canceling the permit is in the public interest.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The household goods permit and provisional operating authority held by Donald Minchew, d/b/a Banner Moving & Transport, is suspended for a period of 30 days effective November 2, 2011.
- 10 (2) Donald Minchew, d/b/a Banner Moving & Transport, is directed to **cease** all operations associated with permit THG-64290 until the Commission receives proof of liability and property damage insurance and enters an order lifting this suspension order and authorizing you to resume operations.
- 11 (3) If proof of insurance is not filed with the Commission within 30 days, permit THG-64290 will be cancelled by order. To reinstate this permit you must submit a new application and acceptable proof of insurance.
- 12 (4) Donald Minchew, d/b/a Banner Moving & Transport, may contest cancellation of permit THG-64290 by requesting a hearing within 10 days of service of this Order. A hearing request does not affect the suspension of your permit.
- 13 (5) 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(1)(g); and Order 01 in Docket A-090485.

DATED at Olympia, Washington, and effective November 3, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID PRATT
Assistant Director, Transportation Safety

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.