

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

In the matter of the suspension of solid waste certificate G- 122 held by ROBERT L. NICHOLS, d/b/a B & N SANITARY, for failure to file proof of liability and property damage insurance covering equipment.
.....)
) DOCKET TG-112020
) ORDER 01
) ORDER SUSPENDING CERTIFICATE

BACKGROUND

- 1 Solid waste certificate holders 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 per RCW 81.80 and WAC 480-70-161.
- 2 On October 18, 2011, the Commission notified Robert L. Nichols, d/b/a B & N Sanitary, by letter that your certificate to operate as a solid waste hauler 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 certificate by requesting a hearing within 10 days of receiving the notice.
- 3 The Commission has not received proof of insurance and Robert L. Nichols has not requested a hearing.

ORDER

THE COMMISSION ORDERS:

- 4 (1) Solid waste certificate G-122, held by Robert L. Nichols, d/b/a B & N Sanitary, is suspended for a period of 30 days effective November 23, 2011.
- 5 (2) Robert L. Nichols, d/b/a B & N Sanitary, is directed to **cease** all operations associated with certificate G-122 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.
- 6 (3) If proof of insurance is not filed with the Commission within 30 days, certificate

G-122 will be cancelled by separate order. To reinstate this certificate, you must submit a new application and acceptable proof of insurance.

- 7 (4) Robert L. Nichols, d/b/a B & N Sanitary, may contest cancellation of certificate G-122 by requesting a hearing within 10 days of service of this Order. A hearing request does not affect the suspension of your permit.
- 8 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(3)(c).

DATED at Olympia, Washington and effective November 23, 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.