

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

In the matter of the suspension/)
cancellation of charter and excursion) DOCKET TE-121989
carrier services certificate CH-64756 held)
by:) ORDER 01
)
K&W INTERNATIONAL INC.,) ORDER SUSPENDING/
) CANCELLING CERTIFICATE
for failure of carrier to file proof of)
liability and property damage insurance)
covering equipment.)
.....)

BACKGROUND

- 1 Charter and excursion carrier services 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 October 23, 2012, the Commission notified you by letter that your certificate to operate as a charter and excursion carrier service 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 told 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 you have not requested a hearing.

FINDINGS AND CONCLUSION

- 4 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington with authority to regulate a charter and excursion carrier services as defined in RCW 81.70.
- 5 (2) K&W International Inc., (K&W International Inc.), is a charter and excursion carrier service operating in Washington State under certificate CH-64756.
- 6 (3) On October 23, 2012, 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 certificate would be suspended.

- 7 (4) The Commission is authorized by WAC 480-30-171(1)(a) to suspend a charter and excursion carrier services certificate for failure to file and maintain proof of insurance.
- 8 (5) The Commission is authorized by WAC 480-30-171(2)(a) to cancel a charter and excursion carrier services certificate for failure to correct conditions leading to suspension within the time defined in the order of suspension.

ORDER

THE COMMISSION ORDERS:

- 9 (1) Certificate CH-64756, held by K&W International Inc., is suspended for a period of 30 days effective December 24, 2012.
- 10 (2) K&W International Inc., is directed to cease all operations associated with this certificate CH-64756 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, certificate CH-64756 will be cancelled without further notice or order. To reinstate this certificate you must submit a new application and acceptable proof of insurance.
- 12 (4) K&W International Inc., may contest cancellation of certificate CH-64756 by requesting a hearing within 10 days of service of this Order. A hearing request does not affect the suspension status of your certificate.
- 13 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(5)(b) and Order 01 in Docket A-090485.

DATED at Olympia, Washington and effective December 24, 2012.

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. 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.