

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of)	DOCKET NO. TC-041353
)	
DIAMOND-WEST)	
TRANSPORTATION CO., INC.,)	ORDER NO. 03
)	
For Extension of authority under)	
Certificate No. C-01054, For a)	ORDER DISMISSING
Certificate of Public Convenience and)	APPLICATION
Necessity to Operate Motor Vehicles)	
in Furnishing Passenger and Express)	
Service as an Auto Transportation)	
Company)	
.....)	

BACKGROUND

- 1 On July 28, 2004, Diamond-West Transportation Co., Inc. (Diamond-West) filed an application for extension of its authority under Certificate No. C-01054 to furnish passenger and express auto transportation service. Notice of the application was published in the Commission’s weekly docket of August 30, 2004. The Commission was served with three protests as a result of the publication, from CWA, Inc. (CWA), Shuttle Express, Inc. d/b/a Shuttle Express (Shuttle Express) and Wickkiser International Companies, Inc. (Wickkiser).

- 2 The Commission convened a prehearing conference on the application on December 8, 2004, before Administrative Law Judge Theodora M. Mace. Prior to the prehearing conference, Wickkiser withdrew its protest. Pursuant to an earlier stipulated amendment to the application, CWA stated that its interest in the application would be satisfied provided the Commission accepted the amended application.

3 On December 16, 2004, Diamond-West resolved its differences with the remaining protestant, Shuttle Express, based on a further stipulated amendment to the application.

4 The schedule of proceedings agreed on at the prehearing conference required that, in the event of a settlement with all protestants, Diamond-West would supply the Commission with written documents, including supporting witness statements, so that the Commission could review the application based on a written record. The deadline for submitting written documentation was January 7, 2005. Thus, since all protestants settled with the applicant, Diamond-West's documentation was due on that date. Diamond-West failed to submit any written support for its application by January 7th and failed to directly ask the Commission for an extension of the January 7th deadline.

5 On February 1, 2005, the Commission requested Diamond-West to provide the documentation by February 15, or to advise the Commission whether Diamond-West was withdrawing its application. As of today's date, Diamond-West has provided neither documentation nor a request for withdrawal.

6 Based on Diamond-West's failure to provide the required written support for its application, the Commission is unable to determine whether the application meets the requirements for a grant of the application pursuant to chapter 81.68 RCW and 480-30 WAC. Therefore, the Commission concludes that the application should be dismissed.

ORDER

7 THE COMMISSION ORDERS That the application of Diamond-West Transportation Co., Inc., for an extension of its authority to provide passenger and express transportation service is dismissed.

DATED at Olympia, Washington, and effective this 4th day of March, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.