

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

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| In the Matter of |) | DOCKET NO. TG-050252 |
| |) | |
| ROBERT VERN PONTIUS |) | ORDER M.V. NO. 156716 |
| |) | |
| Regarding Suspension of Solid Waste |) | |
| Certificate and Common Carrier |) | LIFTING SUSPENSIONS AND |
| Permit for Failure to File Proof of |) | DISMISSING PROCEEDINGS |
| Liability and Property Damage |) | |
| Insurance Covering Equipment |) | |
| |) | |
| |) | |

1 **Synopsis:** *The Commission lifts the suspension of Mr. Pontius' solid waste certificate and common carrier permit, and terminates the proceedings.*

2 **NATURE OF PROCEEDING.** The Commission set these matters for brief adjudication proceedings (BAP) on Mr. Pontius' request following the Commission's entry of orders suspending, effective May 1, 2005, his solid waste certificate and common carrier permit for lack of insurance.

3 **BACKGROUND.** On April 21, 2005, the Commission entered orders suspending, effective May 1, 2005, the solid waste Certificate No. G-212¹ and common carrier Permit No. CC-20396² of Robert Vern Pontius for failure to provide proof of liability and property damage insurance. The orders state to

¹ WAC 480-70-161 states the Commission may suspend a solid waste certificate for failure to maintain evidence of required liability insurance coverage for all areas of a company's operations.

² WAC 480-14-230(4) provides that the Commission may suspend a carrier permit for cause, including failure to maintain evidence that the carrier has the required level of insurance in effect for its operations.

avoid cancellation, the certificate holder must file acceptable proof of insurance or request a hearing within 30 days to show why the certificate and permit should not be canceled. *RCW 81.77.030(6), WAC 480-70-166(4), RCW 81.80.280, and WAC 480-14-230(6).*

4 On April 22, 2005, Mr. Pontius orally contacted the Commission to request a hearing be set in these matters. On April 26, 2005, the Commission served a Notice of Brief Adjudication on Mr. Pontius, setting the matter for oral statements on April 28, 2005. On April 27, 2005, Mr. Pontius notified the Commission that he would be unable to appear for the brief adjudication proceeding due to a prior commitment. On April 27, 2005, the Commission issued a Notice of Cancellation of Brief Adjudication. On April 28, 2005, the Commission received proof of insurance from Mr. Pontius' insurance carrier.

5 **DISCUSSION AND DECISION.** The Washington Utilities and Transportation Commission has jurisdiction over the party and the subject matter of these proceedings. *Title 81 RCW.* Mr. Pontius supplied acceptable proof of insurance prior to the effective date of suspension set by the Commission in its orders of suspension. Accordingly, the Commission lifts its suspension orders and dismisses the proceedings.

ORDER

6 THE COMMISSION ORDERS That the suspension orders entered by the Commission on April 21, 2005, against Robert Vern Pontius are hereby lifted, effective April 28, 2005, and the brief adjudicative proceedings in Docket No. TG-050252 and Order M.V. No. 156685 are dismissed.

DATED at Olympia, Washington, and effective this 9th day of May, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, 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.