

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

Regarding Cancellation of Auto	)	DOCKET TC-070958
Transportation Certificate	)	
	)	ORDER 01
DIAMOND-WEST TRANSPORTATION	)	
CO., INC.	)	ORDER CANCELLING
	)	CERTIFICATE
for failure of holder to file proof of	)	NO. C1035
liability and property damage insurance	)	
covering equipment	)	
	)	
.....	)	

**BACKGROUND**

- 1 Under RCW 81.68.060, auto transportation companies subject to regulation by the Washington Utilities and Transportation Commission (Commission) must maintain liability and property damage insurance or a surety bond and file proof of insurance with the Commission.
  
- 2 On April 12, 2007, the Commission notified Diamond West Transportation Co., Inc. (Diamond West or Company) by letter that the Commission would suspend the Company's certificate to operate as an auto transportation company in Washington State if acceptable proof of insurance was not filed by the insurance cancellation date. The Commission also informed the Company that it could contest suspension of its certificate by requesting a hearing within 10 days of the notice. The Commission did not receive proof of insurance and the Company did not request a hearing.
  
- 3 The Commission subsequently suspended Diamond West's certificate for a period of 30 days effective May 14, 2007. In the suspension order the Commission informed Diamond West that it would cancel the Company's certificate if the Company did not file acceptable proof of insurance within the 30-day suspension period. The Commission also notified the Company it could contest cancellation of the certificate by requesting a hearing within 10 days of service of the suspension order. The Commission has not received proof of insurance and the Company has not requested a hearing.

## FINDINGS AND CONCLUSIONS

- 4 The Washington Utilities and Transportation Commission is an agency of the state of Washington having authority to regulate auto transportation companies as defined in RCW 81.68.
- 5 Diamond-West Transportation Co., Inc., is an auto transportation company operating in Washington State under Certificate No. C1035.
- 6 Under RCW 81.68.060, auto transportation companies engaged in intrastate operations in Washington that are not qualified as self-insurers under RCW 81.68.065 and WAC 480-30-201 must maintain liability and property damage insurance, or a surety bond, on each vehicle in use and file each policy with the Commission. Specific insurance maintenance and filing requirements are set forth at WAC 480-30-191.
- 7 On April 12, 2007, the Commission received notice that Diamond West's insurance would be cancelled effective May 14, 2007.
- 8 The Commission suspended Diamond-West's certificate effective May 14, 2007, for failure to maintain proof of liability and property damage insurance.
- 9 The Commission has not received acceptable proof of liability and property damage insurance for Diamond-West since May 14, 2007.
- 10 The Commission may revoke the certificate of a company that fails to file and maintain the required insurance (RCW 81.68.060 and WAC 480-30-196(2)) and may cancel an auto transportation certificate for failure to correct conditions leading to suspension within the time set forth in the order of suspension. *WAC 480-30-171(2)(c)*.

## ORDER

### THE COMMISSION ORDERS:

- 11 Auto Transportation Certificate No. C1035, held by Diamond West Transportation Company, Inc., is cancelled effective on the service date of this Order.

DATED at Olympia, Washington, September 19, 2007.

**WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION**

**MARK H. SIDRAN, Chairman**

**PATRICK J. OSHIE, Commissioner**

**NOTICE**

**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.**

**An original and twelve copies of a petition for reconsideration must be filed by mail delivery to:**

Attn: Carole J. Washburn, Executive Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250

**In the alternative, to request reinstatement of this certificate you must submit a new application and acceptable proof of insurance as required under RCW 81.68.060 and WAC 480-30-181.**