

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

In the matter of the Cancellation of)
household goods permit HG-9175 held by:) DOCKET TV-110620
)
F & M TRANSFER COMPANY, INC.) ORDER 02
)
for failure of holder to file proof of liability) ORDER CANCELING OPERATING
and property damage insurance covering) AUTHORITY
equipment.)
.....)

BACKGROUND

- 1 Household goods carriers 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 March 3, 2011, the Commission notified F & M Transfer Company, Inc., (F & M Transfer), by letter that the Commission would suspend the Company's permit to operate as a household goods carrier 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 permit 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 F & M Transfer's permit for a period of 30 days effective April 7, 2011. In the suspension order, the Commission informed F & M Transfer that it would cancel the Company's permit 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 permit 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 (1) The Commission is an agency of the State of Washington with authority to regulate household goods carriers as defined in RCW 81.80.

- 5 (2) F & M Transfer Company, Inc., (F & M Transfer), is a household goods carrier operating in Washington state under permit HG-9175.
- 6 (3) On March 3, 2011, the Commission received notice that F & M Transfer's insurance would be cancelled effective April 7, 2011.
- 7 (4) The Commission suspended F & M Transfer effective April 7, 2011, for failure to maintain proof of liability and property damage insurance.
- 8 (5) The Commission is authorized under WAC 480-15-430(1)(b) to suspend a household goods permit for failure to file and maintain proof of insurance.
- 9 (6) The Commission is authorized under WAC 480-15-150(1)(b) to cancel a household goods permit for failure to correct conditions leading to suspension within the time defined in the suspension order.

ORDER

THE COMMISSION ORDERS:

- 10 (1) The household goods permit HG-9175, held by F & M Transfer Company, Inc., is cancelled.
- 11 (2) F & M Transfer Company, Inc., is directed to cease all operations associated with permit HG-9175.
- 12 (3) F & M Transfer Company, Inc., may contest cancellation of permit HG-9175 by requesting a hearing within 10 days of service of this Order.
- 13 The Commission has delegated authority to the Secretary to enter this Order under RCW 80.01.030, WAC 480-07-905(1)(h).

DATED at Olympia, Washington, May 12, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

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.