

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of
4 DEES LOG TRUCKING LLC,

Petitioner,

For an Exemption from WAC 480-14-
250(1)(a)

DOCKET TV-220730

ORDER 01

GRANTING PETITION FOR
EXEMPTION

BACKGROUND

- 1 4 Dees Log Trucking LLC (4 Dees or Company) is regulated by the Washington Utilities and Transportation Commission (Commission) as a common carrier of property. The Company has been an active common carrier since March 5, 2015. The Company is based in Astoria, Oregon, and regularly transports logs between logging sites and mills within Washington.
- 2 Under WAC 480-14-250(1), each common carrier must file with the Commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington. The Company has been insured under Progressive Commercial (Progressive) since February 7, 2017, specifically underwritten by United Financial Casualty Co (United Financial), a company admitted by the Washington State Office of the Insurance Commissioner (OIC). Recently, Progressive has switched 4 Dees policy to Artisans and Truckers Casualty Co (Artisans), Progressive's preferred underwriting company for Oregon-based motor carriers. Artisans is not admitted by the OIC.
- 3 On September 28, 2022, the Company filed a petition for an exemption from WAC 480-14-250(1)(a), the Commission's insurance rule for vehicles with gross vehicle weight ratings of 10,000 pounds or more (Petition). The Company requests that the Commission accept their policy filing so that 4 Dees may remain insured by Artisans.
- 4 While the specific requirements of Commission rules can be exempted, under RCW 81.80.190, the Commission must "require the carriers to either procure and file liability and property damage insurance from a company licensed to write such insurance in the State of Washington, or deposit security, for the limits of liability and on terms and conditions that the Commission determines are necessary for the reasonable protection of

the public against damage and injury for which the carrier may be liable by reason of the operation of any motor vehicle.” Because this is a statutory requirement, the Company cannot be exempted from the obligation to purchase its insurance from a company licensed in Washington. However, RCW 48.15.040(1) states that the insurance must be procured under the laws and rules of the insured’s home state.

5 Oregon meets the RCW 48.15.010(5) definition as the Company’s home state.

6 Artisans (NAIC# 10194) is a standard insurance market carrier that is admitted by the Oregon Insurance Commissioner to underwrite policies for Oregon-based customers. The Artisans policy obtained by 4 Dees has \$1,000,000 of combined single limit liability and property damage coverage, which exceeds the WAC 480-14-250(1)(a) requirement of \$750,000 for vehicles of 10,000 pounds gross vehicle weight or more.

7 Commission staff (Staff) supports 4 Dees’ Petition. The Company is not Washington based and Artisans meets the requirements of the Company’s home state of Oregon. The insurance policy that 4 Dees has purchased from Artisans exceeds the financial requirements of WAC 480-14-250(1)(a).

DISCUSSION

8 We grant the Company’s Petition. Under WAC 480-07-110(1) the Commission may grant an exemption from any of its rules if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes. We find that the Company’s Petition meets this standard subject to the condition that the Company buy insurance from a company that meets the requirements of the state of Oregon, the Company’s home state. The purpose of the insurance rule is to protect the public from loss or damage caused by the Company while providing service. Accordingly, we find that the Petition for exemption is consistent with the public interest, the purposes underlying regulation, and applicable statutes, and conclude that it should be granted.

FINDINGS AND CONCLUSIONS

- 9 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rules, regulations, and practices of motor carrier companies relating to acquiring common carrier permit and insurance requirements.
- 10 (2) 4 Dees is a common carrier company and a public service company subject to Commission jurisdiction.
- 11 (3) This matter came before the Commission at its regularly scheduled meeting on October 13, 2022.
- 12 (4) On September 28, 2022, 4 Dees filed a Petition for Exemption from the Commission's insurance rule, WAC 480-14-250(1)(a), so that it may retain insurance for their Washington Common Carrier Permit that from an insurance company admitted in the Company's home state of Oregon.
- 13 (5) Pursuant to WAC 480-07-110(1), the Commission may grant an exemption from any of its rules if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 14 (6) After reviewing 4 Dee's Petition and giving due consideration to all relevant matters and for good cause shown, the Commission finds that granting 4 Dees' Petition is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

ORDER

THE COMMISSION ORDERS:

- 15 (1) 4 Dees Log Trucking LLC's Petition for exemption from WAC 480-14-250(1)(a) is granted.
- 16 (2) The Commission retains jurisdiction over the subject matter and 4 Dees Log Trucking LLC to effectuate the terms of this Order.

- 17 The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective October 13, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary