

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of
ADAM BRUCE CAVE TRUCKING,
LLC,

Petitioner,

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

DOCKET TV-220805

ORDER 01

GRANTING PETITION FOR
EXEMPTION

BACKGROUND

- 1 On November 2, 2022, Adam Bruce Cave Trucking, LLC, (Cave Trucking or Company) filed with the Washington Utilities and Transportation Commission (Commission) a permit application to become a common carrier of property. The Company is based in Astoria, Oregon and plans to transport 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 is insured under Progressive Commercial (Progressive), specifically underwritten by Artisans and Truckers Casualty Co. (Artisans), Progressive's preferred underwriting company for Oregon based motor carriers. Artisans is not admitted by the Washington Office of the Insurance Commissioner.
- 3 On November 3, 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. The Company requests that the Commission accept their policy filing so that Cave Trucking 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. The Office of the Insurance Commissioner (OIC) authorizes insurance companies to write insurance in Washington. 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 Cave Trucking 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 Cave Trucking’s Petition. The Company is not Washington-based, and Artisans meets the requirements of the Company’s home state of Oregon. The insurance policy that Cave Trucking 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 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) Cave Trucking applied for common carrier authority, and once approved will be a common carrier of property and a public service company subject to Commission jurisdiction.
- 11 (3) This matter came before the Commission at its regularly scheduled meeting on November 23, 2022.
- 12 (4) On November 3, 2022, Cave Trucking 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 Cave Trucking's Petition and giving due consideration to all relevant matters and for good cause shown, the Commission finds that granting the Petition is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

ORDER

THE COMMISSION ORDERS:

- 15 (1) Adam Bruce Cave 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 Adam Bruce Cave Trucking, LLC, to effectuate the terms of this Order.

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 November 23, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary