

September 29, 2020

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09/29/20 16:32  
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VIA WEB PORTAL

Mr. Mark L. Johnson  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
PO Box 47250  
Olympia, WA 98504-7250

Re: Mitigation Request in Penalty Assessment TG-200756; Peninsula Sanitation Service, Inc.

Dear Mr. Johnson:

This office represents Peninsula Sanitation Service, Inc. ("Peninsula") and is writing in response to the above penalty assessment lodged against it. Peninsula and the Commission Enforcement staff are currently in discussions in attempts to resolve this matter short of a hearing. Our preference is for those discussions to continue and for the parties to submit a proposal to the Commission for mitigation through the Enforcement staff within the next ten days.

Pursuant to RCW 81.04.405, we believe the documents we are submitting to staff under separate cover will reflect an unintentional and inadvertent violation of the cited regulations including 49 CFR § 383.37(a) by the absence of a consistent monitoring program previously at Peninsula which failed to conform renewal of individual driver licenses with updated/reissuances of certifications of CDL driver eligibility on renewal, where the Company had not yet implemented a consistent reporting system to reflect CDL status via proof of printout of license currency from the Washington Department of Licensing ("DOL"). Many of the cited successive violations of this regulation occurred while an isolated affected driver with a current medical card had simply failed to take the card into a nearby DOL license office to prove his active status which the Company now has taken prompt action to address.

Moreover, any delay in upgrading/updating of medical cards was inadvertent and the gap in reflecting the current status of the CDLs was short-lived in all but Mr. Cox's situation whose updated medical status was more prolonged but who did in fact we understand have a contemporary and current medical card but simply failed to bring the updated medical card to DOL unbeknownst to Peninsula who now has assured that the current card it has on file is also reflected in the DOL's database.

As the documents should also reflect, the Company has attempted to implement more failsafe, consistent comprehensive verification systems including an updated list of driver license expirations

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which it has now synchronized with its payroll system and does not anticipate any further problems will arise in this regard.

In addition, the upgraded enhanced national commercial driver software system developed by the Federal Motor Carrier Safety Administration produces lists which must be associated within 15 days with all driver files and Peninsula believes there is little likelihood these technical omissions will thus be repeated under all of the above circumstances.

Finally, because of its long history of compliance with WUTC safety regulations, cooperation with enforcement staff and complete receptivity to addition technical assistance should that be necessary in the future and the absence of any prior penalty assessments in the considerable history of the Company as a regulated solid waste collection company, Peninsula respectfully requests comprehensive mitigation of any fine the Commission ultimately determines to impose under the above conditions.

Yours truly,

WILLIAMS, KASTNER & GIBBS PLLC

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