



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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September 12, 2017

NOTICE CANCELLING BRIEF ADJUDICATIVE PROCEEDING

RE: *In the Matter of the Investigation of Cheney Care Foundation d/b/a Cheney Care Center for Compliance with WAC 480-31-130 and WAC 480-31-139*
Docket TN-170809

TO ALL PARTIES:

In June 2017, the Washington Utilities and Transportation Commission's (Commission) staff (Staff) inspected the operations of Cheney Care's Foundation d/b/a Cheney Care Center (Cheney Care or Company) and documented 198 critical violations of WAC 480-31-100 and WAC 480-31-130. Based on these violations, Staff proposed an "unsatisfactory" safety rating for Cheney Care and notified the Company of the proposed rating on August 16, 2017.

On August 17, 2017, the Commission issued a notice informing Cheney Care that the Commission would cancel the Company's private, nonprofit transportation provider certificate as of October 2, 2017, unless the Company obtained Commission approval of safety management plan prior to that date. In the notice, the Commission scheduled a brief adjudicative proceeding for October 2, 2017, to allow parties an opportunity to make oral statements. Also on August 17, the Commission issued a penalty assessment of \$15,100 against Cheney Care for the violations noted above, in docket TN-170808.

On August 30, 2017, Cheney Care submitted an application for mitigation of the penalty assessment in docket TN-170808 (Application). In its Application, the Company admits the violations but asks the Commission to reduce the assessed penalty based on the Company's documented corrective measures and requests that the Commission make a decision based solely on the information provided.

On September 12, 2017, Staff submitted an evaluation of the Application, interpreting the Application as a request to upgrade the Company's safety rating as well as a request for mitigation. Staff concludes that the safety management plan the Company submitted in its

Application is acceptable and recommends the Commission upgrade Cheney Care's safety rating to "conditional."

Taking into consideration the Company's request to make a decision based on the information provided in the Application, as well as Staff's acceptance of the Company's safety management plan, the Commission finds good cause to cancel the brief adjudicative proceeding now set for October 2, 2017, and will enter an order in this proceeding based on a paper record.

THE COMMISSION GIVES NOTICE That the Commission cancels the brief adjudicative proceeding scheduled for October 2, 2017.

GREGORY J. KOPTA
Administrative Law Judge