

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment)	DOCKET TE-110698
Against)	
)	
AGATE PASS TRANSPORTATION,)	NOTICE OF BRIEF ADJUDICATIVE
LLC d/b/a AGATE PASS)	PROCEEDING
TRANSPORTATION)	
)	SETTING TIME FOR ORAL
In the Amount of \$600)	STATEMENTS
)	(Set for July 6, 2011, at 1:30 p.m.)
.....)	

- 1 On May 2, 2011, the Washington Utilities and Transportation Commission (Commission) issued Penalty Assessment TE-110698 against Agate Pass Transportation, LLC d/b/a Agate Pass Transportation (Agate Pass) in the amount of \$600, alleging six violations of WAC 480-30-221, Vehicle and driver safety requirements, which requires passenger charter carriers to comply with Title 49, Code of Federal Regulations, including Part 382, which governs controlled substance and alcohol use and testing.
- 2 On May 16, 2011, Agate Pass filed with the Commission a request for hearing and a decision by an administrative law judge.
- 3 On May 26, 2011, Commission Staff filed a Response stating that it does not oppose Agate Pass’s Request for Hearing and recommends that Agate Pass’s mitigation request, seeking an unspecified reduction in the penalty amount, be denied.
- 4 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for determining whether the penalty should be mitigated and what actions are necessary for Agate Pass to maintain future compliance, pursuant to statutory provisions of RCW 81.04.
- 5 **THE COMMISSION GIVES NOTICE That it will hold a brief adjudicative proceeding in this matter at 1:30 p.m., on Wednesday, July 6, 2011, in Room 108, First Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

- 6 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.
- 7 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.
- 8 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents no later than 5:00 p.m. on Friday, **June 24, 2011**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and – 145.
- 9 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 10 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Gregory J. Trautman
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1187
gtrautma@utc.wa.gov

Respondent: Leslie F. Bagley
General Manager
Agate Pass Transportation, LLC
d/b/a Agate Pass Transportation
P.O. Box 1142
Kingston, WA 98346-1142

- 11 Administrative Law Judge Adam E. Torem, from the Commission's Administrative Law Division, will preside during this proceeding.
- 12 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective June 3, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary
Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____