

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Penalty Assessment
Against MONROE TRANSPORTATION
LTD, D/B/A CHINOOK CHARTER
SERVICE, in the amount of \$4,100

DOCKET NO. TE-061282

COMMISSION STAFF'S RESPONSE
TO CHINOOK CHARTER
SERVICE'S APPLICATION FOR
MITIGATION AND
REQUEST FOR HEARING

1 Pursuant to WAC 480-07-370(1)(c), Commission Staff submits this response to
Chinook Charter Service's Application for Mitigation and Request for Hearing.


2 On July 28, 2006, the Washington Utilities and Transportation Commission
(Commission) assessed a penalty of \$4,100 against Monroe Transportation Ltd, d/b/a/
Chinook Charter Service, (Chinook Charter) for violating Commission rules regarding
driver requirements and vehicle safety. Commission rules adopt by reference Parts 391,
393, and 396 of Title 49 of the Code of Federal Regulations. WAC 480-30-221; *see* WAC
480-30-999. Although the penalty assessment referenced the old rules, WAC 480-40-070
and WAC 480-40-075, instead of WAC 480-30-221, which went into effect approximately
six weeks before the penalty assessment issued, both the old rules and the new rule contain
the identical requirements at issue here: that of complying with 49 C.F.R. §§ 391, 393, and
396. Because the requirements of complying with 49 C.F.R. §§ 391, 393, and 396 are the
same in both the old and new rules, and because the company allegedly did not fulfill these
requirements, citation to the old rule numbers should not affect the validity of the penalty
assessment.

As set forth in the attached declaration of Sheri Hoyt, Staff does not oppose Chinook Charter's request for hearing on the issue of mitigation.

DATED this 25th day of September, 2006.

Respectfully submitted,

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