



Rob McKenna

## ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

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June 18, 2012

David W. Danner, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. S.W.  
P.O. Box 47250  
Olympia, Washington 98504-7250

RE: *In the Matter of the Penalty Assessment Against Agate Pass Transportation, LLC  
DBA Agate Pass Transportation  
Docket TE-110698*

Dear Mr. Danner:

On May 2, 2011, the Commission assessed penalties of \$600 against Agate Pass Transportation, LLC d/b/a Agate Pass Transportation (Agate Pass) for six violations of WAC 480-30-221, which adopts by reference Title 49, Code of Federal Regulations, including CFR Part 382.305(b), which governs annual rates for conducting random alcohol and controlled substances testing.

After Agate Pass requested mitigation of the penalty, Commission Staff (Staff) and Agate Pass proposed a Settlement Agreement. On July 6, 2011, the Commission issued Order 01 approving the Settlement Agreement, and ordered Agate Pass to pay \$300 by August 5, 2011. The Commission suspended collection of the remaining \$300 and waived enforcement or collection of that amount for one year, provided that Agate Pass complied with the conditions of the Order. Those conditions were that Agate Pass avoid any repeat violations of WAC 480-30-221 and 49 CFR 382.305(b) and ensure that its safety rating is not assessed by Commission Staff as "conditional" or "unsatisfactory" for the entire year. The Commission also ordered Staff to conduct a compliance review inspection of Agate Pass's business operations on or before June 29, 2012, to ensure compliance with the terms of the Order.

Staff conducted a compliance review inspection of Agate Pass's business operations on May 31, 2012. Staff found no repeat violations of WAC 480-30-221 and 49 CFR Part 382.305(b). Staff also confirmed that Agate Pass paid the \$300 penalty and has maintained

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its company safety rating to avoid a "conditional" or "unsatisfactory" rating for a full year.

Staff has concluded that the conditions of the Commission's order have been met. Accordingly, Staff will not seek enforcement of the suspended penalty, and Staff requests that the Commission waive enforcement and collection of the \$300 suspended penalty in this docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory J. Trautman", with a long horizontal flourish extending to the right.

GREGORY J. TRAUTMAN  
Senior Counsel

cc: Agate Pass Transportation, LLC