

June 20, 2012

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

TO ALL PARTIES:

On May 2, 2011, the Washington Utilities and Transportation Commission (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.

On June 18, 2012, Staff filed a letter with the Commission stating that Staff conducted a compliance review of Agate Pass’s business operations on May 31, 2012. Staff found no repeat violations of WAC 480-30-221 and 49 CFR 382.305(b). Staff also confirmed that Agate Pass paid the \$300 penalty, and has maintained its company safety rating to avoid a “conditional” or “unsatisfactory” rating for a full year.

The Commission finds that Agate Pass Transportation, LLC has complied with the conditions under which the Commission suspended \$300 of the \$600 penalty assessment. The Commission, therefore, will permanently waive enforcement and collection of the \$300 suspended portion of the assessment and close the docket in this matter.

Sincerely,

DAVID W. DANNER
Executive Director and Secretary