



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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December 4, 2018

Mark L. Johnson Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. Cheney Care Foundation*
Commission Staff's Recommendation to Waive Suspended Penalties
Docket TN-170808

Dear Mr. Johnson:

In Order 01 of Docket TN-170808, Cheney Care Foundation d/b/a Cheney Care Center (Cheney Care Center or Company) was assessed a penalty of \$15,100. The penalty was the result of an investigation conducted in August 2017 in which staff discovered 198 critical violations of WAC 480-31-100, Equipment – Safety, and WAC 480-31-130, Operation of motor vehicles. As a result, Staff proposed an unsatisfactory safety rating for the Company. The Commission issued a Notice of Intent to Cancel Certificate and the unsatisfactory rating set in motion a 45 day period in which the carrier could request an upgrade to its safety rating by submitting an approved safety management plan¹.

On September 14, 2017, the Commission approved the Company's submitted safety management plan that details the controls it put in place to prevent repeat violations of Commission safety rules and mitigated the assessed penalty to \$7,550. The Commission furthermore suspended a \$5,000 portion of the penalty for a period of one year, and then waive it, subject to the following conditions:

- (a) Cheney Care Center must maintain a conditional safety rating for at least one year from the date of the order;
- (b) Cheney Care Center may not incur any repeat critical violations of WAC 480-31-100 or WAC 480-31-130 for one year from the date of this order; and;

¹ See Docket TN-170809

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(c) Cheney Care Center must pay the remaining \$2,550 penalty within 10 days of the effective date of the order.

In Order 2 of this docket, the Commission granted the Company's request for a payment plan to pay the penalty in 13 monthly installments. On September 17, 2018, the Commission's Financial Services department filed a statement of account in this docket noting that the \$2,550 unsuspended portion of the penalty was paid in full.

In accordance with Docket TN-170808, staff completed the required follow-up safety investigation in November 2018. Staff did not discover any repeat violations during this investigation.

Staff finds that Cheney Care Center has not committed any further violations of WAC 480-31-130 and the conditions of Order 01 are satisfied.

Staff recommends the \$5,000 suspended penalty issued against Cheney Care Center be waived and the docket closed.

If you have any questions, please contact Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety at Jason.Sharp@utc.wa.gov or at (360) 664-1238.

Sincerely,



Mathew Perkinson
Motor Carrier Safety Manager, Transportation Safety