



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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

(360) 664-1160 • TTY (360) 586-8203

June 10, 2015

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Battle Ground, Yacolt, & Chelatchie Prairie Railroad Association*

Commission Staff's Response to Application for Mitigation of Penalties TR-150956

Dear Mr. King:

On May 21, 2015, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TR-150956 against Battle Ground, Yacolt, & Chelatchie Prairie Railroad Association for 10 violations of Washington Administrative Code (WAC 480-62-300), which requires railroad companies to furnish annual reports to the commission no later than May 1 each year.

On June 1, 2015, Battle Ground, Yacolt, & Chelatchie Prairie Railroad Association wrote the commission requesting mitigation of penalties. In its mitigation request, Battle Ground, Yacolt, & Chelatchie Prairie Railroad Association does not dispute the violation occurred. The company states, "We are an all volunteer organization and this filing was overlooked with no ill intent. I had received the form and letter but it was set aside while some answers were being gathered and was misplaced and forgotten".

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 27, 2015, Annual Report packets were mailed to all regulated railroad companies. The instructions for annual report completion page of the annual report informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2015, to avoid enforcement action.

On June 4, 2015, Battle Ground, Yacolt, & Chelatchie Prairie Railroad Association filed the 2014 annual report with no regulatory fees owed. The company has been active since 2001. Battle Ground, Yacolt, & Chelatchie Prairie Railroad Association previously missed the deadline for filing its annual report and paying its regulatory fees for the 2011 and 2008 annual report

UTC Annual Reports
June 10, 2015
Page 2

years. Due to the prior violations of WAC 480-62-300 and the company not presenting any compelling information, staff does not support any mitigation.

If you have any questions regarding this recommendation, please contact Amy Andrews, Regulatory Analyst, at (360) 664-1157, or aandrews@utc.wa.gov.

Sincerely,

A handwritten signature in black ink that reads "Brian P. Geller (for Sondra Walsh)". The signature is written in a cursive style.

Sondra Walsh, Director
Administrative Services