BEFORE THE WASHINGTON

## UTILITIES AND TRANSPORTATION COMMISSION

|  |  |  |
| --- | --- | --- |
| In the Matter of the Penalty Assessment Against  MARIA K. LINDBERG  In the Amount of $14,600  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . | )  )  )  )  )  )  )  )  ) | DOCKET UW-140820  NOTICE OF BRIEF ADJUDICATIVE PROCEEDING  SETTING TIME FOR ORAL STATEMENTS  **(Set for August 20, 2014, 9:30 a.m.)** |

1. On May 21, 2014, the Washington Utilities and Transportation Commission (Commission) issued Penalty Assessment UW-140820 against Maria K. Lindberg, sole owner and manager of Cristalina LLC (Cristalina or Company), in the amount of $14,600, alleging one or more violations of Commission Order No. 01 in Docket UW-090516 (Order). The Order states, among other requirements, that Cristalina must file reports with the Commission regarding transactions and balances relating to surcharge revenue no later than 45 days after the end of each calendar quarter. The Commission assessed penalties against Cristalina for sixty-four violations of Condition (8)(d) listed in Commission Order No. 01 relating to the second quarter 2013 report, and eighty-two violations of Condition (8)(d) listed in Commission Order No. 01 in Docket UW-090516 relating to the fourth quarter 2013 report..
2. On June 5, 2014, Maria K. Lindberg (Ms. Lindberg) filed with the Commission a request for hearing. Ms. Lindberg states that she does not believe that, as a manager for Cristalina, she is personally liable for the violations since she delegated the responsibility to handle compliance reports to an employee of the Company who is no longer employed with the Company as of August 2013. Ms. Lindberg also states that she did not know that the second quarter 2013 report had not been filed until the Commission notified her, and that the fourth quarter 2013 report had not been filed until she received the penalty assessment. Ms. Lindberg states that because Cristalina is negotiating a transfer of the Company and a substantial amount of time and resources have been devoted to preparing for the transfer to a new owner, the Company’s monthly expenses are much higher than usual. Ms. Lindberg concludes by requesting the Commission dismiss the violations.
3. Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for resolving the issues in this matter.
4. **THE COMMISSION GIVES NOTICE That it will hold a brief adjudicative proceeding in this matter at 9:30 a.m., on Wednesday, August 20, 2014, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The brief adjudicative proceeding is set at the same time as the evidentiary hearing scheduled in the Commission’s complaint proceeding in Docket UW-132013.[[1]](#footnote-1)**
5. The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.
6. Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.
7. Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5:00 p.m. on Wednesday, August 13, 2014**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and – 145.
8. **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
9. The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and

Transportation Commission

1300 S. Evergreen Park Drive S.W.

P.O. Box 47250

Olympia, WA 98504-7250

Representative: Brett Shearer

Assistant Attorney General

1400 S. Evergreen Park Drive S.W.

P.O. Box 40128

Olympia, WA 98504-0128

(360) 664-1187

[bshearer@utc.wa.gov](mailto:bshearer@utc.wa.gov)

Respondent: Maria K. Lindberg, Owner and Manager

Cristalina LLC

P.O. Box 4055

Bellingham, WA 98227

Representative: Richard A. Finnigan

2112 Black Lake Blvd. SW

Olympia, WA 98512

(360) 956-7001

[rickfinn@localaccess.com](mailto:rickfinn@localaccess.com)

1. Administrative Law Judge Gregory J. Kopta, from the Commission’s Administrative Law Division will preside during this proceeding.
2. The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective July 8, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING

Executive Director and Secretary

Inquiries may be addressed to:

|  |  |  |
| --- | --- | --- |
| Executive Director and Secretary  Washington State Utilities and Transportation Commission  Richard Hemstad Building  1300 S. Evergreen Park Drive S.W.  P.O. Box 47250  Olympia, WA 98504-7250  (360) 664-1160 |  |  |

**N O T I C E**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Case Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Hearing Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Hearing Location:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Primary Language:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Hearing Impaired (Yes)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (No)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do you need a certified sign language interpreter:

Visual\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Tactile\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other type of assistance needed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone No.: (\_\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. *Washington Utilities and Transportation Commission v. Cristalina LLC*. This brief adjudicative proceeding is being set at the same time and place as the evidentiary hearing in the complaint proceeding due to similar related issues, and for convenience of the parties and the Commission. Matters will be called in the order of agreement of the parties or, in the absence of the agreement, as determined by the administrative law judge. [↑](#footnote-ref-1)