

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Penalty Assessment No.)	DOCKET TR-060979
TR-060979)	
)	ORDER 01
)	
)	
Cascade & Columbia River Railroad,)	ORDER RESCINDING \$100
Puget Sound & Pacific Railroad)	PENALTY
.....)	

- 1 On June 30, 2006, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against the above named railroad companies in the amount of \$100 each for a violation of Washington Administrative Code 480-62-300, which requires railroad companies to file annual reports with the Commission by May 1 of each year. In the penalty assessment order the Commission alleged the companies failed to file their 2005 annual report by the May 1 deadline.

- 2 The Commission received applications for mitigation of the penalties from several companies alleging confusion with the due date for the annual report. The companies felt a postmark of May 1 would be in compliance with the rule.


- 3 Although the rule states the annual reports must be filed with the Commission by May 1, not postmarked by May 1, in the interest of efficiently resolving these disputes the Commission rescinds the \$100 penalties issued to the above named railroad companies as it appears reasonable to believe their annual reports were mailed on or before May 1.

ORDER

- 4 The Commission rescinds the \$100 penalty issued in the original order in this docket to the above named railroad companies for failure to file the 2005 annual report by May 1, 2006. Staff will revise its records to show there is no amount due from the above named railroad companies.

DATED at Olympia, Washington and effective July 24, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION


DENNIS J. MOSS
Administrative Law Judge