

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Penalty Assessment
Against LOWPER, INCORPORATED, in
the Amount of \$10,500

DOCKET UW-110213

COMMISSION STAFF'S
RESPONSE TO LOWPER,
INCORPORATED'S REQUEST FOR
HEARING

1 Pursuant to WAC 480-07-370(1), Staff of the Washington Utilities and
Transportation Commission (Commission Staff) submits this response¹ to Lowper,
Incorporated's (Lowper) request for hearing.

2 On February 14, 2011, the Commission assessed a \$10,500 penalty against Lowper
for violations of WAC 480-110-433(3). On February 23, 2011, Lowper filed a request for
hearing. While Commission Staff disputes Lowper's contention that the violations did not
occur, it does not oppose Lowper's request for hearing.

3 Commission Staff requests that hearing be scheduled on April 27, 2011, coincident
with the hearing in Docket UW-091006. In that docket, the Commission served upon
Lowper an Order instituting Classification Proceeding and Notice of Hearing. Commission
Staff believes this hearing date would be appropriate for the convenience of the identical

¹Please note that this response does not come from the Commission but from Commission Staff. Commission Staff is a party in this case and is separate from the Commission. The Commission will be the ultimate decision maker in this matter. An Administrative Law Judge will consider Company's statements and Commission Staff's statements and will issue a decision. The Commission may accept, modify, or reject that decision.

named parties, for administrative efficiency, and because both matters involve related facts and principles of law. Moreover, a likely witness for Commission Staff at each hearing is currently on leave and will be unavailable to testify until late April. Once hearing is scheduled in the penalty assessment matter, it may be appropriate to formally consolidate the two dockets by subsequent Commission order. Commission Staff has not yet had an opportunity to discuss the possibility of consolidation with the Company, but anticipates a formal motion in both dockets to follow.

DATED this 3rd day of March, 2011.

Respectfully submitted,

ROBERT M. MCKENNA
Attorney General



MICHAEL A. FASSIO
Assistant Attorney General
Counsel for Washington Utilities and
Transportation Commission Staff