

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Penalty Assessment
Against BATTLE GROUND, YACOLT
& CHELATCHIE PRAIRIE
RAILROAD ASSOCIATION, in the
Amount of \$100

DOCKET TR-090940

COMMISSION STAFF'S RESPONSE
TO RAILROAD ASSOCIATION'S
REQUEST FOR HEARING

1 Pursuant to WAC 480-07-370(1)(c), Staff of the Washington Utilities and Transportation Commission (Commission Staff) submits this response¹ to Battle Ground, Yacolt & Chelatchie Prairie Railroad Association's (Railroad Association) Request for Hearing.

2 On June 26, 2009, the Commission assessed a penalty of \$100 against Railroad Association for violating WAC 480-62-300. Railroad Association filed a Request for Hearing on July 10, 2009. While Commission Staff does not oppose Railroad Association's Request for Hearing, Commission Staff disputes the argument made by Railroad Association in support of its contention that the alleged violation did not occur.

Commission Staff's reasoning is set forth in the attached declaration of Sheri Hoyt.

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¹ Please 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.

DATED this 16th day of July, 2009.

Respectfully submitted,

ROBERT M. MCKENNA
Attorney General

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