BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

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| In the Matter of the Penalty Assessment Against LOWPER, INCORPORATED, in the Amount of $10,500 | DOCKET UW-110213COMMISSION STAFF’S RESPONSE TO LOWPER, INCORPORATED’S REQUEST FOR HEARING |
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1. Pursuant to WAC 480-07-370(1), Staff of the Washington Utilities and Transportation Commission (Commission Staff) submits this response[[1]](#footnote-1) 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 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

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MICHAEL A. FASSIO

Assistant Attorney General

Counsel for Washington Utilities and

Transportation Commission Staff

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. [↑](#footnote-ref-1)