

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

In the Matter of the Penalty Assessment)	DOCKET TR-090940
Against)	
)	
BATTLE GROUND, YACOLT &)	NOTICE OF BRIEF ADJUDICATION
CHELATCHIE PRAIRIE RAILROAD)	
ASSOCIATION)	
)	SETTING TIME FOR ORAL
In the Amount of \$100)	STATEMENTS
)	(Set for August 18, 2009, 1:30 p.m.)
.....)	

- 1 On June 26, 2009, the Washington Utilities and Transportation Commission (Commission) issued Penalty assessment TR-090940 against Battle Ground, Yacolt & Chelatchie Prairie Railroad Association (Railroad Association) in the amount of \$100, alleging one violation of WAC 480-62-300 which requires rail companies to file annual reports with the Commission by May 1 each year.
- 2 On July 10, 2009, Railroad Association filed with the Commission a request for mitigation and hearing of the amount of the penalty.
- 3 On July 16, 2009, Commission Staff filed a Response to the Railroad Association’s Request for Hearing.
- 4 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for determining whether the penalty should be mitigated and what actions are necessary for Railroad Association to maintain future compliance, pursuant to statutory provisions of RCW 81.04.
- 5 **THE COMMISSION GIVES NOTICE That it will hold a brief adjudicative proceeding in this matter at 1:30 p.m., on Tuesday, August 18, 2009, in Room 108, First Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the brief adjudicative proceeding in person, a conference phone will be set up and you may attend via teleconference by dialing **(360) 664-3846**. Please appear on the teleconference five minutes before the hearing is scheduled to begin.

- 6 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.
- 7 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.
- 8 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 **Tuesday, August 11, 2009**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and – 145.
- 9 **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.**
- 10 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: Michael A. Fassio
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1192
mfassio@utc.wa.gov

Respondent: Battle Ground, Yacolt & Chelatchie
Prairie Railroad Association
Tamara A. Auburg
P.O. Box 1271
Battle Ground, WA 98604
(360) 686-3559

- 11 Administrative Law Judge Dennis J. Moss, from the Commission's Administrative Law Division, will preside during this proceeding.
- 12 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 22, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
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

NOTICE

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: David W. Danner, 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.: (____) _____