

**From:** [ffitch, Simon \(ATG\)](#)  
**To:** [Kopta, Gregory \(UTC\)](#); [Joseph P. Derrig](#)  
**Cc:** [Duncan K. Fobes](#); [Patricia K. Buchanan](#); [John C. Balcita](#); [Gafken, Lisa \(ATG\)](#); [Mak, Chanda \(ATG\)](#); [Bostelle, Kym \(ATG\)](#); [Brown, Sally \(UTC\)](#); [Beattie, Julian \(UTC\)](#); [Pratt, David \(UTC\)](#); [DeMarco, Betsy \(UTC\)](#); [Gross, Krista \(UTC\)](#)  
**Subject:** RE: TE-151906 Letter to Steve King regarding Commission Staff review of Safety Management Plan and Recommendation  
**Date:** Tuesday, January 26, 2016 3:23:21 PM  
**Attachments:** [image001.png](#)

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Judge Kopta:

Public Counsel does not believe an evidentiary hearing is necessary. Public Counsel does not object to the staff recommendation.

***Simon ffitch***

Senior Assistant Attorney General, Chief  
Public Counsel

Washington Attorney General

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**From:** Kopta, Gregory (UTC)  
**Sent:** Tuesday, January 26, 2016 1:40 PM  
**To:** Joseph P. Derrig  
**Cc:** Duncan K. Fobes; Patricia K. Buchanan; John C. Balcita; ffitch, Simon (ATG); Gafken, Lisa (ATG); Mak, Chanda (ATG); Bostelle, Kym (ATG); Brown, Sally (UTC); Beattie, Julian (UTC); Pratt, David (UTC); DeMarco, Betsy (UTC); Gross, Krista (UTC)  
**Subject:** RE: TE-151906 Letter to Steve King regarding Commission Staff review of Safety Management Plan and Recommendation

Thank you, Mr. Derrig.

**Gregory J. Kopta**

Director, Administrative Law Division  
(360) 664-1355

**Utilities and Transportation Commission**

Respect. Professionalism. Integrity. Accountability.

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**From:** Joseph P. Derrig [<mailto:jpd@pattersonbuchanan.com>]  
**Sent:** Tuesday, January 26, 2016 1:39 PM  
**To:** Kopta, Gregory (UTC) <[gkopta@utc.wa.gov](mailto:gkopta@utc.wa.gov)>  
**Cc:** Duncan K. Fobes <[dkf@pattersonbuchanan.com](mailto:dkf@pattersonbuchanan.com)>; Patricia K. Buchanan <[pkb@pattersonbuchanan.com](mailto:pkb@pattersonbuchanan.com)>; John C. Balcita <[jcb@pattersonbuchanan.com](mailto:jcb@pattersonbuchanan.com)>; ffitch, Simon (ATG) <[SimonF@ATG.WA.GOV](mailto:SimonF@ATG.WA.GOV)>; Gafken, Lisa (ATG) <[LisaW4@ATG.WA.GOV](mailto:LisaW4@ATG.WA.GOV)>; Mak, Chanda (ATG)

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**Subject:** RE: TE-151906 Letter to Steve King regarding Commission Staff review of Safety Management Plan and Recommendation

Judge Kopta,

Ride the Ducks also does not believe an evidentiary hearing is necessary in light of the staff's recommendation to upgrade the Company's safety rating.

Best,

**Joseph P. Derrig, Esq** | Attorney

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**From:** "Kopta, Gregory (UTC)" <>

**Date:** January 26, 2016 at 11:51:46 PST

**To:** "Gross, Krista (UTC)" <>, "[dkf@pattersonbuchanan.com](mailto:dkf@pattersonbuchanan.com)" <[dkf@pattersonbuchanan.com](mailto:dkf@pattersonbuchanan.com)>, "[pkb@pattersonbuchanan.com](mailto:pkb@pattersonbuchanan.com)" <[pkb@pattersonbuchanan.com](mailto:pkb@pattersonbuchanan.com)>, "[jcb@pattersonbuchanan.com](mailto:jcb@pattersonbuchanan.com)" <[jcb@pattersonbuchanan.com](mailto:jcb@pattersonbuchanan.com)>, "ffitch, Simon (ATG)" <[SimonF@ATG.WA.GOV](mailto:SimonF@ATG.WA.GOV)>, "Gafken, Lisa (ATG)" <[LisaW4@ATG.WA.GOV](mailto:LisaW4@ATG.WA.GOV)>, "Mak, Chanda (ATG)" <[ChandaM@ATG.WA.GOV](mailto:ChandaM@ATG.WA.GOV)>, "Bostelle, Kym (ATG)" <[KymH@ATG.WA.GOV](mailto:KymH@ATG.WA.GOV)>

**Cc:** "Brown, Sally (UTC)" <[sbrown@utc.wa.gov](mailto:sbrown@utc.wa.gov)>, "Beattie, Julian (UTC)" <[Jbeattie@utc.wa.gov](mailto:Jbeattie@utc.wa.gov)>, "DeMarco, Betsy (UTC)" <>, "Pratt, David (UTC)" <>

**Subject:** RE: TE-151906 Letter to Steve King regarding Commission Staff review of Safety Management Plan and Recommendation

Counsel,

Order 05 in this docket requires Ride the Ducks to obtain Commission approval of the Company's Safety Management Plan and to authorize Staff to upgrade the Company's safety rating from unsatisfactory to conditional by January 29, 2016. Staff has recommended that the Commission do just that after reviewing the plan the Company submitted on January 22, 2016. The Commission is prepared to conduct an evidentiary hearing on the plan and the Company's safety rating, if necessary, on Thursday,

January 28, 2016, at 9:00 a.m. We seek the parties' positions on whether such a hearing is necessary. Because of the short time for Commission action, I am making this request and seeking responses via email. Accordingly, please reply to all before the end of the day today with your position on Staff's recommendation and whether you advocate that the Commission conduct an evidentiary hearing on this issue.

Thank you in advance for your cooperation.

**Gregory J. Kopta**  
Director, Administrative Law Division  
(360) 664-1355

### **Utilities and Transportation Commission**

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**From:** Gross, Krista (UTC)  
**Sent:** Monday, January 25, 2016 4:46 PM  
**To:** [dkf@pattersonbuchanan.com](mailto:dkf@pattersonbuchanan.com); [pkb@pattersonbuchanan.com](mailto:pkb@pattersonbuchanan.com); [jcb@pattersonbuchanan.com](mailto:jcb@pattersonbuchanan.com); ffitch, Simon (ATG) <[SimonF@ATG.WA.GOV](mailto:SimonF@ATG.WA.GOV)>; Gafken, Lisa (ATG) <[LisaW4@ATG.WA.GOV](mailto:LisaW4@ATG.WA.GOV)>; Mak, Chanda (ATG) <[ChandaM@ATG.WA.GOV](mailto:ChandaM@ATG.WA.GOV)>; Bostelle, Kym (ATG) <[KymH@ATG.WA.GOV](mailto:KymH@ATG.WA.GOV)>  
**Cc:** Brown, Sally (UTC) <[sbrown@utc.wa.gov](mailto:sbrown@utc.wa.gov)>; Beattie, Julian (UTC) <[jbeattie@utc.wa.gov](mailto:jbeattie@utc.wa.gov)>; DeMarco, Betsy (UTC) <[bdeMarco@utc.wa.gov](mailto:bdeMarco@utc.wa.gov)>; Kopta, Gregory (UTC) <[gkopta@utc.wa.gov](mailto:gkopta@utc.wa.gov)>; Pratt, David (UTC) <[dpratt@utc.wa.gov](mailto:dpratt@utc.wa.gov)>  
**Subject:** TE-151906 Letter to Steve King regarding Commission Staff review of Safety Management Plan and Recommendation

I have attached an electronic copy of a letter regarding Commission Staff review of Safety Management Plan and Recommendation, which we filed today with the Commission. A paper copy will follow by United States mail. If you have any problems opening any of these documents, please contact me.

Krista L. Gross  
Legal Assistant to Sally Brown  
Office of the Attorney General  
Utilities & Transportation Division  
(360) 664-1194

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