

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF
CORRECTED RESPONSE TO BENCH REQUEST

DATE PREPARED: August 24, 2006
CASE NO.: TV-050537
REQUESTER: Bench

WITNESS: Carlene Hughes
RESPONDER: Carlene Hughes
(legal analysis prepared
by counsel)
TELEPHONE: 360-664-1224

REQUEST NO. 3: The Settlement Agreement provides in part:

The parties agree that All My Sons will comply with all applicable commission rules and statutes, including those set forth in the enumerated list of violations and penalties above. This Agreement does not preclude the commission from pursuing penalties for violations of commission rules and statutes unrelated to the subject matter of this agreement or for subsequent violations of the rules and statutes stated above after December 31, 2005.

- (a) Specifically identify all violations of Commission rules and statutes the Commission would be precluded from pursuing under this provision of the Settlement Agreement.
- (b) State whether each violation identified in response to BR-3(a) is one that came to the Commission's attention as the result of a formal or informal complaint and, if so, provide copies of the Commission's records concerning the complaint.
- (c) State whether there are additional potential violations that might be precluded under this provision of the Settlement Agreement if discovered upon scrutiny of any formal or informal complaint that remains under investigation.

RESPONSE:

- (a) The commission would be precluded from pursuing penalties for the violations listed in the table below. The proposed settlement agreement would not preclude the commission from ordering remedies other than penalties, such as customer refunds, for these violations.

Complaint	Date Violation Issued	Number of Violations	Date Violations Occurred	Rule or Tariff Item
92499	March 7, 2005	1	March 7, 2005	WAC 480-15-890(2)
	March 16, 2005	8	March 16, 2005	WAC 480-15-890(2)
	March 23, 2005	6	March 23, 2005	WAC 480-15-890(2)
	March 31, 2005	7	March 31, 2005	WAC 480-15-890(2)
	May 25, 2005	1	May 25, 2005	WAC 480-15-890(2)
93714	July 27, 2005	3	April 10, 2005	WAC 480-15-490(5)
		1		WAC 480-15-740(3)
		2	May 19, 2005	WAC 480-15-810(1)
94190	September 29, 2005	1	June 13, 2005	WAC 480-15-740
		1		WAC 480-15-740 Tariff 15-A, Item 200
		1		WAC 480-15-490
		1		Tariff Fuel Surcharge
94126	September 1, 2005	1	April 9, 2005	Tariff 15-A, Item 22
		1		Tariff Fuel surcharge
		1		Tariff 15-A, Item 100
95113	November 23, 2005	1	Sept. 19, 2005	WAC 480-15-800
		1	August 29, 2005	Tariff Fuel Surcharge
97252	May 26, 2006	1	September 29, 2005	WAC 480-15-740(1)
		1		WAC 480-15-740(7)
		1		Tariff 15-A, Item 80(4)
		1		Tariff 15-A, Item 95(2)(o)
	July 20, 2006	1	September 26/27, 2005	WAC 480-15-640(1)

- (b) All of the violations issued between March 7, 2005, and July 20, 2006, were identified during processing of informal complaints filed at the commission against All My Sons. Copies of the complaint records are attached.
- (c) All of the consumer complaints noted above are closed, and staff is not aware of any open investigations or additional violations. The proposed settlement agreement does not preclude the commission from issuing violations that occurred before December 31, 2005, and does not preclude the commission from pursuing remedies other than penalties for violations that occurred before that date.