

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET UW-143980
TRANSPORTATION COMMISSION,)	(Consolidated)
)	
Complainant,)	ORDER 01
)	
v.)	
)	
PELICAN POINT WATER)	
COMPANY,)	
)	
Respondent.)	
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WASHINGTON UTILITIES AND)	DOCKET UW-150548
TRANSPORTATION COMMISSION,)	(Consolidated)
)	
Complainant,)	ORDER 01
)	
v.)	ORDER OF CONSOLIDATION
)	
JILL GOODRICH,)	COMPLAINT FOR PENALTIES;
)	NOTICE OF BRIEF
Respondent.)	ADJUDICATIVE PROCEEDING
)	(Set for June 2, 2015, at 1:30 p.m.)
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1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Staff, alleges as follows:

I. BACKGROUND

2 According to Commission records, Pelican Point Water Company (Pelican or Company) has not filed an annual report or paid regulatory fees, as required by WAC 480-110-505, for the 2012 and 2013 reporting years. In 2013 and 2014, the Commission assessed a penalty against the Company for violating the filing and regulatory fee requirements. Ms. Goodrich, Pelican's owner and authorized representative, admitted to the Company's

violations and paid both penalty assessments, but did not file its annual report or pay its regulatory fees for either the 2012 or 2013 reporting years.

- 3 On October 15, 2014, the Commission mailed a Notice of Noncompliance to Ms. Goodrich detailing Pelican's failure to comply with WAC 480-110-505. The notice provided the Company until November 15, 2014, to file its delinquent reports and pay its delinquent regulatory fees to avoid enforcement action. The Commission has not received the delinquent filings, fees, or any other response to the notice. Commission staff (Staff) alleges that Pelican, and its owner, Jill Goodrich, violated multiple state laws and Commission rules, as described below.

II. PARTIES

- 4 The Washington Utilities and Transportation Commission is an agency of the State of Washington, authorized by state law to regulate the rates, services, facilities, and practices of public service companies, including water companies, under RCW Title 80.
- 5 Pelican is a water company subject to regulation by the Commission under RCW Title 80.
- 6 Jill Goodrich is the owner and the authorized representative of Pelican.

III. JURISDICTION

- 7 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 80.04.110, RCW 80.04.380, RCW 80.04.405, Chapter 80.28 RCW, Chapter 480-07 WAC, and Chapter 480-110 WAC.

IV. FIRST CAUSE OF ACTION

(680 Violations of 480-110-505 for Failing to File Annual Reports)

- 8 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-7 above.

- 9 Under RCW 80.04.080, public service companies, including water companies, are required to file an annual report with the Commission.
- 10 WAC 480-110-505(3) provides, in part: “The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.”
- 11 RCW 80.04.380 provides, in part: “Every public service company, and all officers, agents and employees of any public service company, shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of [Title 80 RCW], so long as the same shall be and remain in force.”
- 12 Under both RCW 80.04.380 and RCW 80.04.405, every violation of state laws and Commission rules is a separate and distinct offense, and in the case of a continuing violation, every day's continuance is a separate and distinct violation.
- 13 Pelican violated WAC 480-110-505 by failing to file its annual report for the 2012 reporting year. Noncompliance with WAC 480-110-505 beyond May 1 is a continuing violation. Thus, each business day after May 1, 2013, in which Pelican failed to file its annual report is a separate and distinct violation.
- 14 Pelican further violated WAC 480-110-505 by failing to file its annual report for the 2013 reporting year. Noncompliance with WAC 480-110-505 beyond May 1 is a continuing violation. Thus, each business day after May 1, 2014, in which Pelican failed to file its annual report is a separate and distinct violation.
- 15 Staff alleges that Pelican committed 680 violations of WAC 480-110-505 by failing to file its annual report for the 2012 and 2013 reporting years.
- 16 Staff further alleges that Jill Goodrich, as owner and authorized representative of Pelican, committed the 680 violations of WAC 480-110-505 by failing to file the Company’s annual report for the 2012 and 2013 reporting years.

V. SECOND CAUSE OF ACTION
(680 Violations of 480-110-505 for Failing to Pay Annual Regulatory Fees)

- 17 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-16 above.
- 18 Under RCW 80.24.010, public service companies, including water companies, are required to pay regulatory fees annually on or before the date specified by the Commission for filing annual reports.
- 19 WAC 480-110-505(3) provides, in part: “The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.”
- 20 Pelican violated WAC 480-110-505 by failing to pay its regulatory fee for the 2012 reporting year. Noncompliance with WAC 480-110-505 beyond May 1 is a continuing violation. Thus, each business day after May 1, 2013, in which Pelican failed to pay its regulatory fee is a separate and distinct violation.
- 21 Pelican further violated WAC 480-110-505 by failing to pay its regulatory fee for the 2013 reporting year. Noncompliance with WAC 480-110-505 beyond May 1 is a continuing violation. Thus, each business day after May 1, 2014, in which Pelican failed to pay its regulatory fee is a separate and distinct violation.
- 22 Staff alleges that Pelican committed 680 violations of WAC 480-110-505 by failing to pay its regulatory fees for the 2012 and 2013 reporting years.
- 23 Staff further alleges that Jill Goodrich, as owner and authorized representative of Pelican, committed the 680 violations of WAC 480-110-505 by failing to pay the Company’s regulatory fees for the 2012 and 2013 reporting years.

VI. APPLICABLE LAW

- 24 Under RCW 80.04.380, the Commission may penalize a public service company that violates any provision of Title 80 RCW or any rule of the Commission up to \$1,000 for each and every offense. Under the statute, every violation is considered a separate

and distinct offense, and, in the case of a continuing violation, every day's continued violation is deemed to be a separate and distinct offense.

- 25 Under RCW 80.04.405, in addition to all other penalties provided by law, the Commission may penalize an officer, agent, or employee of a public service company who violates or who procures, aids, or abets in the violation of any provision of Title 80 RCW or any rule of the Commission \$100 for each and every offense. Under the statute, every violation is considered a separate and distinct offense, and, in the case of a continuing violation, every day's continued violation is deemed to be a separate and distinct offense.
- 26 Under WAC 480-07-320, the Commission, in its discretion, may consolidate two or more proceedings in which the facts or principles of law are related.

VII. REQUEST FOR RELIEF

- 27 Staff requests that the Commission find that Pelican committed a total of 1,360 violations of state laws and Commission rules as set forth in the allegations above.
- 28 Staff requests that the Commission impose monetary penalties on Pelican under RCW 80.04.380 of up to \$1,000 for each violation.
- 29 Staff requests that the Commission find that Jill Goodrich, as owner and authorized representative of Pelican, committed the 1,360 violations of state laws and Commission rules as set forth in the allegations above.
- 30 Staff requests that the Commission impose monetary penalties on Jill Goodrich under RCW 80.04.405 of up to \$100 for each violation.
- 31 Staff further requests that the Commission order such other or further relief as appropriate under the circumstances.

VIII. PROBABLE CAUSE

32 Based on a review of Commission records, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this complaint.

IX. NOTICE OF BRIEF ADJUDICATIVE PROCEEDING

33 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 alleged violations occurred and, if so, the appropriate remedy for those violations.

34 Pursuant to WAC 480-07-320, the Commission determines that the facts and principles of law are related, and consolidation would promote judicial economy and administrative efficiency. It is appropriate that Dockets UW-143980 and UW-150548 are consolidated for hearing and determination.

35 **THE COMMISSION GIVES NOTICE that it will hold a brief adjudicative proceeding in this matter at 1:30 p.m., Tuesday, June 2, 2015, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

36 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.

37 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.

38 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 by **5:00 p.m., Tuesday, May 26, 2015**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and – 145.

39 **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.**

40 The names and mailing addresses of all parties and their known representatives are as follows:

Complainant: Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Christopher Casey
Assistant Attorney General
1400 S. Evergreen Park Drive SW
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1189
ccasey@utc.wa.gov

Respondent: Jill Goodrich, Owner
Pelican Point Water Company
PO Box 458
Moses Lake, WA 98837
(509) 765-3608
Pelican_Point_Water_Co@nctv.com

- 41 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.
- 42 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.

ORDER

- 43 THE COMMISSION ORDERS That Dockets UW-143980 and UW-150548 are consolidated for hearing and determination pursuant to WAC 480-07-320. Both dockets are consolidated under Docket UW-143980.

DATED at Olympia, Washington, and effective April 13, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge
Director, Administrative Law Division

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: Hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Steven V. King, 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.: (_____) _____