

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Penalty Assessment Against
GENIE SERVICE COMPANY, INC. in the
Amount of \$1,200

DOCKET TE-080282

COMMISSION STAFF'S
RESPONSE TO GENIE SERVICE
COMPANY'S REQUEST FOR
PAYMENT PLAN

AND

COMMISSION STAFF'S MOTION
TO CONSOLIDATE TE-080282
WITH TE-061753

I. INTRODUCTION

1 Staff of the Washington Utilities and Transportation Commission (Staff) submits this
response to Genie Service Company, Inc.'s (Genie's) Request for a Payment Plan. Staff
also asks the Washington Utilities and Transportation Commission (Commission) to
consolidate Docket TE-061753 with Docket TE-080282 for the purpose of streamlining
payment of the penalties in these dockets.

**II. STAFF SUPPORTS A PAYMENT PLAN THAT INCORPORATES ALL
UNPAID PENALTIES**

2 Staff supports a payment plan. However, Staff proposes that the payment plan cover
payment of the penalties due in Docket TE-061753 as well as in Docket TE-080282.

3 In the instant docket, TE-080282, the Commission denied Genie's application for
mitigation on May 14, 2008. In that order, the Commission stated that the penalty of \$1,200
was due within seven days of the order date.¹ On May 29, 2008, Genie filed its request to
pay the penalty in three equal monthly payments of \$400.

¹ Docket TE-080282, Order 1, *Denying Application for Mitigation*, ¶ 9.

4 In Docket TE-061753, the Commission approved a settlement between Staff and Genie that reduced the \$1,400 penalty by half on the condition that Genie remain free of motor carrier safety rule violations for one year. Genie was unable to fulfill this condition, and on May 23, 2008, the Commission issued a final order imposing the previously suspended penalty of \$700. In this order, the Commission required Genie to pay \$1,400 within seven days of the order date.² The amount of \$1,400 was due because Genie still had not paid the half of the penalty it had agreed to pay at the time of the settlement.

5 The seven days have elapsed since the order in Docket TE-061753 was issued, and Genie has not paid any part of the \$1,400 or proposed any plans for its payment. Consequently, Staff proposes that the Commission extend Genie's proposed payment plan from Docket TE-080282 to a total of seven months, thus providing for payment of both penalties under one payment plan.

III. CONSOLIDATION WITH DOCKET TE-061753 IS NOW WARRANTED

6 While consolidation with Docket TE-061753 at an earlier stage in the proceeding might have unnecessarily delayed a decision in Docket TE-080282, the circumstances at this stage favor consolidation. Accordingly, Staff now requests consolidation to take advantage of the efficiencies of collecting the penalties in two dockets under one payment plan.

² Docket TE-061753, Order 3, *Order Granting Motion to Amend Final Order and Imposing Suspended Penalties*, ¶18.

IV. CONCLUSION

7 Staff supports a payment plan that incorporates payment of the penalties in both Docket TE-061753 and Docket TE-080282. To facilitate a single payment plan, Staff moves the Commission to consolidate Docket TE-061753 with Docket TE-080282.

DATED this 6th day of June, 2008.

Respectfully submitted,

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