

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

## NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT NO: TR-060979  
PENALTY AMOUNT: \$100

TO: EACH OF THE EIGHT RAILROAD  
COMPANIES LISTED IN ATTACHED APPENDIX A

The commission believes that you have committed one violation of Washington Administrative Code 480-62-300 which requires railroad companies to file annual reports with the commission by May 1 each year. You are classified as such a company. Commission records show that you did not make the filing by the required date of May 1, 2006. (See Appendix A for individual companies' report status as of June 12, 2006.) Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for every such violation.

As a result, the commission hereby notifies you that it has assessed penalties against you in the amount \$100, as follows:

On March 8, 2006, the commission mailed 2005 Annual Report forms and 2006 Regulatory Fee packets to you and other railroad companies registered in Washington State. A letter from Executive Secretary Carole Washburn instructed each company to file its annual report and pay its regulatory fees by May 1, 2006. The letter stated that failure to file your annual report by May 1 would result in a penalty and possible revocation of your registration to operate in Washington. Companies needing more time to file the annual report were permitted to request an extension before May 1, and to explain why the extension was needed. You did not request an extension of time and did not file your annual report before the deadline.

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violation that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the commission will review the evidence supporting your request in an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.

**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

**If you do not act within 15 days**, the commission may refer this matter to the Office of the Attorney General for collection. The commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective June 30, 2006.



DENNIS J. MOSS  
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT, Docket No. TR-060979

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

- [ ] 1. Payment of penalty. I admit that the violation occurred and enclose \$100 in payment of the penalty.
[ ] 2. Request for a hearing. I believe that the alleged violation did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:
[ ] 3. Application for mitigation. I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below.
[ ] a) I ask for a hearing for a decision by an administrative law judge
OR [ ] b) I waive a hearing and ask for an administrative decision on the information I present here.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: \_\_\_\_\_ [month/day/year], at \_\_\_\_\_ [city, state]

\_\_\_\_\_  
Name of Respondent (company) – please print

\_\_\_\_\_  
Signature of Applicant

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RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

**APPENDIX A**

	<b>Company Name</b>	<b>Received Yes or No</b>	<b>If yes, Date Received</b>
1.	Ballard Terminal Railroad	No	
2.	Cascade & Columbia River Railroad	Yes	May 4, 2006
3.	Great Northwest Railroad, Inc.	No	
4.	Meeker Southern Railroad	No	
5.	Palouse River & Coulee City Railroad	No	
6.	Puget Sound & Pacific Railroad	Yes	May 4, 2006
7.	Tacoma Rail	Yes	May 19, 2006
8.	Tri City and Olympia Railroad	No	