

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKETS TR-143978
)	
Complainant,)	
)	
v.)	DECLARATION OF AMY ANDREWS
)	
WASHINGTON & IDAHO RAILWAY INC.,)	
)	
Respondent.)	
)	

I, AMY ANDREWS, hereby declare under penalty of perjury, under the laws of the State of Washington, that the following is true and correct.

1. I am, and at all times hereinafter mentioned have been, a citizen of the United States, over the age of 18, have personal knowledge regarding the matters stated herein, and am competent to testify as a witness.

2. I am employed by the Washington Utilities and Transportation Commission (Commission) where I have worked as a regulatory analyst in the Administrative Services Division for three years. As a regulatory analyst, my responsibilities include conducting compliance investigations of regulated utility and transportation companies. As part of those duties, I investigate railroad companies that have failed to timely submit required filings or payments.

3. According to Commission records, Washington & Idaho Railway Inc. (WIR or Company) has failed to file its annual report and to pay its regulatory fees, as required by WAC 480-62-300, for the 2012 and 2013 reporting years. Every violation of WAC 480-62-300 is a separate and distinct offense, and in the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-62-300 as a continuing violation, and thus a separate and distinct offense for each business day that the Company fails to file its annual report or to pay its regulatory fees after they are due.
4. WIR's 2012 annual report and regulatory fees were due on May 1, 2013. On July 29, 2013, the Commission assessed a penalty of \$1,800 against the Company for violating the filing requirements for 18 business days. See Docket TR-130915. WIR paid that penalty on October 23, 2013, but did not file its annual report or pay its regulatory fees for the 2012 reporting year. WIR has yet to file its 2012 annual report or to pay its 2012 regulatory fees. As of the close of business on March 31, 2015, WIR's 2012 annual report and regulatory fees were each 479 business days past due. Less the violations already accounted for in the July 29, 2013 penalty assessment, WIR has committed 461 separate and distinct violations of WAC 480-62-300 by failing to file its 2012 annual report, and an additional 461 separate and distinct violations of WAC 480-62-300 by failing to pay its 2012 regulatory fees.
5. WIR's 2013 annual report and regulatory fees were due on May 1, 2014. On May 27, 2014, the Commission assessed a penalty of \$1,000 against

the Company for violating the filing requirements for 10 business days. See Docket TR-141007. WIR paid the penalty on August 6, 2014, but did not file its annual report or pay its regulatory fees for the 2013 reporting year. WIR has yet to file its 2013 annual report or to pay its 2013 regulatory fees. As of the close of business on March 31, 2015, WIR's 2013 annual report and regulatory fees were each 229 business days past due. Less the violations already accounted for in the May 27, 2014 penalty assessment, WIR has committed 219 separate and distinct violations of WAC 480-62-300 by failing to file its 2013 annual report, and an additional 219 separate and distinct violations of WAC 480-62-300 by failing to pay its 2013 regulatory fees.

6. In total, WIR has committed 1,360 separate and distinct violations of WAC 480-62-300—680 violations for failing to file its 2012 and 2013 annual reports, and another 680 violations for failing to pay its 2012 and 2013 regulatory fees.
7. On October 15, 2014, the Commission mailed the Company a Notice of Noncompliance detailing WIR's failure to comply with WAC 480-62-300 for the 2012 and 2013 reporting years. The notice stated that the Company had until November 15, 2014, to file the delinquent reports and pay all corresponding regulatory fees to avoid an enforcement action against the Company. The Commission did not receive the delinquent filings, fees, or any other response to the notice from the Company.
8. Staff therefore recommends that the Commission find that WIR has committed 1,360 separate and distinct violations of WAC 480-62-300, and

that the Commission impose monetary penalties on WIR under RCW 81.04.380 of up to \$1,000 for each violation.

9. I certify under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct.

DATED this 28th day of May, 2015, at Olympia, Washington.

AMY ANDREWS
Regulatory Analyst
Staff of the Washington Utilities and
Transportation Commission