

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

EASTERN WASHINGTON GATEWAY
RAILROAD

Respondent.

DOCKET TR-152341

DECLARATION OF AMY ANDREWS

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 in the Administrative Services Division for three years, ten months. 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, Eastern Washington Gateway Railroad (EWGRR or the Company) has failed to pay its regulatory fees, as

required by WAC 480-62-300, for the 2014 reporting year. 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 pay its regulatory fees after they are due.

4. EWGRR's 2014 annual report and regulatory fees were due on May 1, 2015. On April 30, 2015, EWGRR filed its 2014 annual report and submitted an electronic payment for the 2015 regulatory fees through the Commission's website in the amount of \$1,159.07. The banking institution for EWGRR rejected the attempted electronic payment by the Company. On May 5, 2015 the Commission notified the Company of the rejected electronic payment by EWGRR's banking institution. The Commission mailed invoices to the Company on May 5, June 26, and October 1, 2015 for the outstanding regulatory fees.

5. On July 28, 2015, the Commission mailed the Company a Notice of Noncompliance detailing EWGRR's failure to comply with WAC 480-62-300 for the 2014 reporting year. The notice stated that the Company had until August 30, 2015, to pay all regulatory fees including late payment fee and interest due to avoid an enforcement action against the Company. The Commission did not receive any payment of fees, or any other response to the notice from the Company.

6. As of the close of business on November 30, 2015, EWGRR's 2015 regulatory fees were 145 business days past due and the Commission still had not received any response from the Company.
8. Staff therefore recommends that the Commission find that EWGRR has committed 145 separate and distinct violations of WAC 480-62-300 by failing to pay its 2015 regulatory fees, and that the Commission impose monetary penalties on EWGRR 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 22nd day of December, 2015, at Olympia, Washington.



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