

Ballard Terminal Railroad – TR-040099
Staff Investigation - Annual Report/Regulatory Fees
February 6, 2004

Purpose

The purpose of this investigation is to determine if Ballard Terminal Railroad (Ballard Terminal) is in violation of WAC 480-62-300 which requires railroad companies to furnish annual reports to the Commission no later than May 1 each year.

Background

This investigation was prompted by Staff's yearly review of annual reports for railroad companies registered in the state of Washington.

On March 18, 2003, the Commission mailed 2002 Annual Report forms and 2003 Regulatory Fee packets to regulated railroad companies in Washington State. A letter signed by Carole Washburn instructed companies to file annual reports by May 1, 2003. Companies requesting an extension were asked to do so prior to May 1, providing a reason for the requested extension (Appendix A).

On June 9, 2003, a letter signed by Carole Washburn was sent to each railroad company that had not filed an annual report by May 1, 2003. The letter stated that Staff intended to recommend enforcement action, including possible penalties, for any company that failed to file a completed annual report (Appendix B) prior to July 1, 2003.

In October 2003, Licensing Services Staff reviewed annual reports and regulatory fees for railroad companies, and compiled a list of companies that were out of compliance.

Investigation

As of May 1, 2003, Ballard Terminal had not filed a 2002 annual report. The Commission mailed the Company a letter on June 9, stating that Staff intended to recommend enforcement action, including possible penalties, for any company that failed to file a completed annual report.

As of February 5, 2004, Ballard Terminal still has not filed an annual report for 2002.

Recommendation:

Penalize Ballard Terminal Railroad \$100 for a violation of WAC 480-62-300.

Appendix A

March 18, 2003

Subject: 2002 Annual Report/2003 Regulatory Fees

Enclosed is your 2002 Class II & III Railroad annual report form. Every company subject to regulation by the Washington Utilities and Transportation Commission (Commission) must file an annual report. This annual report details gross intrastate operating revenue for the preceding calendar year. Regulatory fees based on that revenue are collected for the current year per RCW 81.24.010 and RCW 81.04.080. The annual report forms are available on the Commission's web site at www.wutc.wa.gov. The Commission will also send a paper copy of additional annual report forms upon request.

You must file your annual report and pay regulatory fees by May 1, 2003. Perfunctory extensions will not be granted. If you need an extension, please file prior to May 1, 2003, providing a reason for requesting an extension. In granting an extension, the Commission will consider whether application of the rule imposes undue hardship on the requesting person, different from hardships imposed on similarly situated persons per WAC 480-62-300.

Inquiries regarding annual reports should be directed to 360-664-1201 or annualreports@wutc.wa.gov.

It is the Commission's policy to provide equal access to its services. If you need special accommodations, please call 360-664-1133. TTY Toll Free 1-800-416-5289.

Sincerely,

Carole J. Washburn
Secretary

Enclosures

Appendix B

June 9, 2003

Dear Regulated Railroad Company:

Every Railroad company subject to regulation by the Washington Utilities and Transportation Commission (Commission) is required by state law to file an annual report and pay regulatory fees by May 1st of each year. The Commission mailed you the 2002 annual report form and 2003 regulatory fee calculation sheet on March 18, 2003. Our records indicate that you have not yet filed the completed annual report form and have not paid your regulatory fees for 2003.

You have already incurred a penalty of 2% of the total amount due for failure to pay your 2003 regulatory fees by May 1, 2003, and you will be charged interest at the rate of 1% per month on the delinquent balance until it is paid in full.

Commission staff also intends to recommend enforcement action, which may include penalties of up to \$100 per day, against any railroad company that fails to file a completed annual report. In order to avoid this enforcement action, you must file your annual report as soon as possible, and no later than July 1, 2003.

Annual report forms are available on the Commission's web site at www.wutc.wa.gov. If you have questions or require additional information, please call (360) 664-1201 or e-mail us at annualreports@wutc.wa.gov.

Sincerely,

Carole J. Washburn
Secretary