

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TR-150956

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.

RECEIVED  
JUN 07 2015  
WASH. UT. & TP. COMM

[ ] 1. Payment of penalty. I admit that the violations occurred. I have:

[ ] Enclosed \$ \_\_\_\_\_ in payment of the penalty

[ ] Submitted my payment of \$ \_\_\_\_\_ online at [www.utc.wa.gov](http://www.utc.wa.gov).  
My confirmation number is \_\_\_\_\_.

[ ] 2. Request for a hearing. I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

[X] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

[ ] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR [X] b) I ask for a Commission decision based solely on the information I provide above.

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: May 27, 2015 [month/day/year], at Battle Ground WA [city, state]

Battle Ground Yakima & Chelatchie Prairie RR Assoc. CW O'Leary  
Name of Respondent (company) – please print Signature of Applicant

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.”

# **CHELATCHIE PRAIRIE RAILROAD ASSOCIATION**

PO Box 1271, Battle Ground, WA 98604

(360) 686-3559

www.bycx.com



May 27, 2015

Gregory J. Kopta  
Administrative Law Judge  
Washington Utilities & Transportation Commission  
PO Box 47250  
Olympia WA 98504-7250

Reference: TR-150956

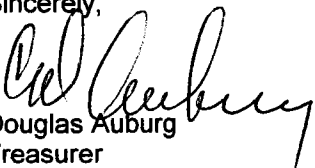
Dear Sir,

We request your consideration of a reduction or elimination of the penalty assessed against our small non-profit organization.

We are an all volunteer organization and this filing was overlooked with no ill intent. I had received the form and letter but it was set aside while some answers were being gathered and was misplaced and forgotten. The fault was mine and I ask that the organization not be punished and its limited funds diverted from our public service efforts to educate and entertain Washington residents and others.

I have looked on the WAUTC website for a replacement form but can't find anything more recent than 2012 so I don't know what to do to obtain an annual report form that is for the correct year. Today I called every number listed for the Railroad section of your Commission staff and there was referred to voice mail in every case, so I left a message on the Asst. Director's phone requesting a return call. So far no one has responded but my call was made this afternoon so that's not surprising. I expect a return call tomorrow or Monday.

Sincerely,

  
Douglas Auburg  
Treasurer