



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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July 1, 2016

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Barnfather Properties, LLC*

Commission Staff's Response to Request for Hearing TE-160683

Dear Mr. King:

On June 13, 2016, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-160683 against Barnfather Properties, LLC for 10 violations of Washington Administrative Code (WAC 480-30-071 and 480-30-076), which requires charter and excursion companies to furnish annual reports, supporting documentation and the regulatory fee to the commission no later than May 1 each year, or in this case, May 2 as May 1 was a Sunday.

On June 23, 2016, Barnfather Properties, LLC wrote the commission requesting a hearing disputing the violation occurred. In its hearing request, the company states, "...we never received any paperwork for this. Had no idea I was out of compliance, please help." Commission staff called the phone number listed on the hearing request and left a voice message regarding the still outstanding annual report.

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline, or in this case, May 2 as May 1 was a Sunday. On February 29, 2016, Annual Report packets were mailed to all regulated charter and excursion companies. The instructions page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

Staff does not support the company's request for hearing as commission staff did not receive an annual report prior to the May 2 deadline and it is the company's responsibility to file a complete and accurate annual report. Barnfather Properties, LLC became active in 2015 and has no prior violations of WAC 480-30-071 and 480-30-076. This is the company's first delinquent filing. If

UTC Annual Reports

July 1, 2016

Page 2

the company files the 2015 annual report and pays the regulatory fees owed by July 15, 2016, staff would recommend a reduced penalty of \$25 per day for a total penalty assessment of \$250.

If you have any questions regarding this recommendation, please contact Sean Bennett, Regulatory Analyst, at (360) 664-1157, or sbennett@utc.wa.gov.

Sincerely,



Sondra Walsh, Director
Administrative Services