

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF BG & CM RAILROAD,)
INC.'S SPECIAL REGULATORY FEE) **CASE NO. BGR-R-19-01**
PURSUANT TO IDAHO CODE §§ 61-1001)
THROUGH 61-1005) **ORDER TO VACATE HEARING**
)
) **ORDER NO. 34381**
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On July 9, 2019 the Commission issued Order No. 34367 requiring BG & CM Railroad, Inc. (“Railroad”) to appear before the Commission at 10:45 a.m. (MDT) on July 18, 2019, in the Commission’s Hearing Room at 472 West Washington Street, Boise, Idaho, to show cause, in part, why the Railroad should not be required to “immediately pay the entire outstanding balance for 2018 annual fees, plus interest, in the amount of \$16,336.54.” Order 34367 at 3. This amount was calculated using the 2017 gross intrastate operating revenue that the Railroad reported to the Commission.¹

On July 16, 2019, the Railroad filed a letter with the Commission along with a check for \$16,336.54. The letter is signed by the Railroad’s president, Mike Williams. The Railroad represents the check was sent in response to Commission Order No. 34367 in this case.

Based on the representations made in the Railroad’s correspondence and the check enclosed with it the Commission will vacate the July 18, 2019, hearing scheduled in this case. If the Railroad’s check fails to clear for any reason, the Commission will immediately issue a new notice scheduling a hearing at the earliest available date to require the Railroad to show cause why the Commission should not order:

1. The Railroad to immediately pay the entire outstanding balance for 2018 annual fees, plus interest, in the amount of \$16,336.54;
2. The Commission's attorney to seek the imposition of civil penalties on the Railroad under Idaho Code § 61-706 of \$2,000.00 for each and every violation of the Commission’s authorities;

¹ The Railroad’s 2017 gross operating revenue, as reported by the Railroad, is subject to verification by Commission audit. Since the Railroad’s 2018 regulatory fee is based on its Railroad’s self-reported 2017 gross operating revenue, the amount of the Railroad’s regulatory fee for 2018 could increase or decrease if the audit determines the Railroad over or under reported its 2017 gross operating income.

2. The Commission's attorney to seek the imposition of civil penalties on the Railroad under Idaho Code § 61-706 of \$2,000 for each and every violation of the Commission's authorities;
3. The Commission's attorney to sue in District Court to enforce any determinations of the Commission, including the imposition of any penalty, consistent with Idaho Code §§ 61-705, 61-706, and 61-1005; and,
4. The Railroad to comply with any further conditions the Commission imposes on it.

ORDER

Based on the foregoing, IT IS HEREBY ORDERED that the hearing set for 10:45 a.m. (MDT) on July 18, 2019, in the Commission Hearing Room at 472 West Washington Street, Boise, Idaho, is VACATED.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 17th day of July 2019.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Harman
Commission Secretary

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