

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER RAPER
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: BRANDON KARPEN
DEPUTY ATTORNEY GENERAL

DATE: MAY 15, 2015

SUBJECT: WASHINGTON & IDAHO RAILWAY FAILURE TO FILE ANNUAL
REVENUE REPORTS AND PAY ANNUAL FEES, CASE NO. WRI-R-15-01

Washington & Idaho Railway (“Railroad”) is a regional rail shipper operating in Washington, Idaho, and Montana, headquartered in Rosalia, Washington. Since 2012 the Railroad has failed to comply with *Idaho Code* §§ 61-1003 and 61-1005.¹ More specially, the Staff alleges that the Railroad has failed to report its annual gross intrastate operating revenues for the last four years, and the Company has failed to pay its annual regulatory assessments or fees for the last three years.

STAFF RECOMMENDATION

Staff recommends that the Commission issue an Order to show cause why the Company should not be required to immediately report its annual intrastate operating revenues for Idaho and to pay all its outstanding regulatory fees.

COMMISSION DECISION

Does the Commission wish to issue an Order for the Railroad to show cause why the Commission should not enforce the two statutes and order the Railroad to comply?

Brandon Karpen
Brandon Karpen
Deputy Attorney General

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¹ Section 61-1003 reads: “On or before April 1st of each year, each . . . railroad corporation subject to the jurisdiction of the commission, shall file with the commission a return verified by an officer or agent of the . . . railroad corporation involved, showing its gross operating revenues from its intrastate . . . railroad business in Idaho for the preceding calendar year during which it carried on such intrastate . . . railroad business.” Section 61-1005 provides that each railroad shall pay “to the commission in equal semiannual installments on or before the 15th days of” May and November.